

Agenda

Environmental Protection Commission

October 21, 1996

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

APPOINTMENT:

Regina Thiry (Washburn Sewage Project)

10:15 A.M.

City of Lenox (Item 12-A)

1:00 p.m.

Agenda topics

1. Approve Agenda
 2. Approve Minutes of September 16, 1996
 3. Director's Report
 - 3A *Waste Time Management Fund Contract - Atlas Standards/Roseher*
 4. Monthly Financial Status Report
 5. Monthly Reports
 6. Air Quality Program Update
 7. Contract Approval, Section 319 Nonpoint Source Pollution Control Project
 8. Notice of Intended Action--Chapters 20, 21, 23, 25, and 29, Air Quality Rule Revisions
 9. Final Rule--Chapter 22, Revisions to Operating Permit by Rule for Small Sources
 10. Notice of Intended Action--Chapter 100 and 102, Special Waste Authorizations
 11. Proposed Contested Case Decision--Home Asbestos and Lead Abatement Services, Inc.
 12. Referrals to the Attorney General
 - a) City of Lenox (TABLED)
 - b) Orville Long
- Larry Wilson (Information)
Teresa Hay (Decision)
Stan Kuhn (Information)
Allan Stokes (Information)
Allan Stokes (Information)
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Allan Stokes (Decision)

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13. Compliance and Permit Assistance Team
- 13 A. *Potential Legislative Proposals for 1997*
14. General Discussion
15. Address Items for Next Meeting

Kathy Clasen (Information)
Larry Wilson (Information)

Next Meeting Dates

November 18, 1996
December 16, 1996
January 20, 1996 (Tuesday)

ENVIRONMENTAL PROTECTION COMMISSION

October 21, 1996

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
AARON HAWBAKER		Waterloo
Kristie Hirschman	CA/O	DSM
Jack Clark	IAA	DSM
Theresa Kehoe	IA Senate	DSM
Dave Wantland	GROWMARK	Bloomington, IL
Angele Frey	LF B	DSM
James Knaack	Metro Waste Authy	DSM
Robin Lottney	MidAmerican Energy	DM
Amy Christensen	Sullivan & Ward	DM
Wendy Henderson	IDED	DSM
Chris Gault	Farm Bureau	WDSM
LARRY KALLOAN	IA. INST. FOR CO-OPS	AMES
Pat Rottinghaus		Waterloo
Madini Hawbaker	Observer	AMES
Kent & Regina Thy	Appointment	Waterloo

ENVIRONMENTAL PROTECTION COMMISSION

October 21, 1996

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Jaye McAllister	Ahlens Law Firm	DSM
Kobradner	Lee News	DSM
Idellu Maher	Sunna Club	DSM
Robt Boshert	Cedar Rapids Gyttle	
Christophe D. Hess	EPA	KC
Regina Thiry	Waterloo Washburn Sewer.	Waterloo
Wayne Haulrich Sr	Lenox	Lenox
Russ STAMMER	H.R. GREEN CO.	DES MOINES
Ralph Zabel	Lenox City	Lenox
Dave DeJong	City of Lenox	Lenox
Tim Snyder	People Service	Lenox

RECORD COPY EPC Meeting
File Name ADM-1-1-1 October 1996
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MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

OCTOBER 21, 1996

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson King at 10:00 a.m. on Monday, October 21, 1996, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Rozanne King, Chair
Dean McWilliams
Charlotte Mohr, Secretary
Kathryn Murphy
Terrance Townsend
Rita Venner

MEMBERS ABSENT

Verlon Britt
William Ehm
Gary Priebe, Vice-Chair

Director Wilson noted that Commissioners Ehm and Britt phoned to say they will not be able to attend the meeting. Commissioner McWilliams related that he spoke with Gary Priebe and he also will not be able to attend the meeting.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - City of Lenox (Item #12a) 1:00 p.m.
- Add: Item #3A - Waste Tire Management Fund Contract
- Add: Item #13A - Legislative Proposals for 1997

Motion was made by Terrance Townsend to approve the agenda as amended. Seconded by Charlott Mohr. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Dean McWilliams to approve the meeting minutes of September 16, 1996, as presented. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Director Wilson asked the Commission to consider holding a joint, informal dinner meeting with the Department of Economic Development Commission on Monday, November 18, in the evening. He related that it will give both the DED and DNR staff an opportunity to share with both Commissions joint efforts of mutual interest.

Director Wilson reported that he, Commissioner Mohr, Al Stokes, Pete Hamlin, and Kathy Clasen visited with the staff at John Deere headquarters regarding environmental protection division relationships, their concerns, the department's concerns, and mutual solutions to problems.

Director Wilson stated that he will present the department's FY 98 budget to the Governor on November 22.

WASTE TIRE MANAGEMENT FUND CONTRACT

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Waste Tire Management Fund was established during the 1996 legislative session to provide financial assistance to: counties for establishing local waste tire management programs; state regent institutions to offset additional fuel costs associated with using tire-derived fuel; to waste tire processors; and contracting by the Department for the clean-up of waste tire stockpiles to bring these facilities/sites into compliance.

The Department has elected to enter into a \$50,000 contract with Atlas Structures L.L.C./Rosebar Tire Shredding Center, located in the City of Vinton, Benton County, for continuing work toward bringing this facility into compliance with waste tire storage regulations.

At this time, the contract between Atlas Structures L.L.C./Rosebar Tire Shredding Center and the Department is presented to the Commission for approval.

Atlas Structures L.L.C. and Rosebar Tire Shredding Center**BUDGET****Facility Compliance Activities****\$50,000****Grant**

Project Description: The Contractor will continue to undertake activities to bring the Rosebar Tire Shredding Center facility into compliance with applicable waste tire regulations. Compliance activities shall include, but not be limited to: a) reduce and maintain waste tire stockpiles to a maximum of 5,000 square feet and ten (10) feet high; b) create and maintain a minimum of forty (40) feet of clear space between waste tire stockpiles; c) clear space shall not contain flammable or combustible materials or vegetation; d) waste tire stockpiles must be maintained at a minimum of ten (10) feet from buildings or property lines; and e) waste tire stockpiles within twenty (20) feet from buildings or property lines shall be reduced and maintained at a height not to exceed six (6) feet.

The Contractor shall resume to accept waste tires under the following conditions: a) for each waste tire accepted, two (2) tires must be processed and leave the premises to an end user and b) the Contractor shall provide a continual reduction of waste tires from the premises.

Project Monitoring: The Department shall make periodic inspections to review progress towards bringing the facility into compliance. The Contractor shall be available to answer questions or to provide additional information relating to the grant, including but not limited to: a) additional tires received; b) processed tires removed; c) expenditures utilizing grant funds; and d) marketing efforts and results. A copy of the inspection report shall be furnished to the Contractor.

Marketing: Efforts to identify and secure markets for processed tires currently on the premises or additional waste tires received shall continue. Marketing efforts and results of these marketing efforts shall be made a part of the project inspection reports.

Payment: A lump sum payment shall be made to the Contractor to assist in and for the sole purpose of bringing the facility into compliance. Funds awarded under this contract shall not be used as compensation payment for work occurring prior to the effective date of this contract. If, as determined by the Department, satisfactory progress in bringing the facility into compliance is not maintained, the Department may require reimbursement of all unexpended monies. Eligibility of the Contractor to receive additional monies awarded through the Waste Tire Management Fund are contingent upon satisfactory progress demonstrated under this contract as determined by the Department.

Ms. Hay explained that this is the first contract to effect the portion of the waste tire management fund which was set up for either cleaning up stockpiles or bringing existing facilities into compliance. She expanded on details of the contract.

A lengthy discussion followed regarding the grant previously given to Rosebar, their current tire inventory, and what they have done and are currently doing to come into compliance.

Terrance Townsend requested a follow up report be made on this project in one year.

Motion was made by Charlotte Mohr to approve the contract in the amount of \$50,000 as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

Ms. Hay distributed an informational brochure entitled "BioCycle Midwest Conference 96" and related that the department is co-sponsoring this conference in Des Moines next month.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

Attached is the YTD division-level FY97 expenditure status report as of 9/30/96.

There are several changes from previous reports. The term *Vehicle Lease* is used in place of *Vehicle Depreciation* for the monthly payments to the Vehicle Dispatcher. This phrase more accurately describes the nature of the expenditure. Similarly, the term *DP-Mainframe* for the previous term *Data Processing*. This expenditure involves only the charge to DNR for mainframe services, not the entire arena of information technology.

DIRECTOR'S OFFICE/I&E BUREAU

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	977,916	1,179,858	267,828	255,405	12,423
PERS TRV IN	32,944	55,114	9,204	10,946	(1,742)
STATE VEHICL	3,897	7,791	1,948	1,844	104
VEHICLE LEASE	8,220	12,640	3,160	2,085	1,075
PERS TRV OUT	11,348	12,946	2,162	1,999	163
OFF SUPPLY	75,192	79,500	13,277	22,700	(9,424)
FAC MAINT SU	3,197	13,000	2,171	1,876	295
EQUIP MAINT	3,638	6,850	1,144	147	997
OTHER SUPPLY	73,889	104,950	17,527	8,069	9,458
PRINT & BIND	293,328	349,044	59,337	30,472	28,865
UNIFORMS	1,442	2,150	359	39	320
COMMUNICATIO	26,777	29,800	4,977	4,423	554
RENTALS	4,470	3,700	618	195	423
UTILITIES	229	750	125	48	77
PROF SERV	33,296	50,060	8,360	4,274	4,086
OUTSIDE SERV	73,860	46,619	7,785	18,030	(10,245)
ADVER PUB	0	5,000	835	0	835
DP-MAINFRAME	4,746	13,350	2,229	215	2,014
REIMBURSEMENT	796	525	88	0	88
EQUIPMENT	39,413	41,600	8,320	1,353	6,967
EQUIP SMALL	3,374	5,167	1,033	784	249
OTHER	551	2,650	443	0	443
	1,672,523	2,023,064	412,929	364,904	48,025

ADMINISTRATIVE SERVICES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	3,579,613	3,864,278	877,191	820,936	56,255
PERS TRV IN	45,609	55,750	9,310	5,296	4,014

STATE VEHICL	56,635	56,000	14,000	28,686	(14,686)
VEHICLE LEASE	69,430	79,500	19,875	17,205	2,670
PERS TRV OUT	6,519	12,000	2,004	1,467	537
OFF SUPPLY	342,869	340,200	56,813	40,177	16,636
FAC MAINT SU	1,150	15,500	2,589	128	2,461
EQUIP MAINT	48,882	52,000	8,684	10,990	(2,306)
OTHER SUPPLY	8,190	10,400	1,737	904	833
PRINT & BIND	23,443	23,500	3,925	4,225	(301)
UNIFORMS	3,464	3,000	501	0	501
COMMUNICATIO	108,666	117,100	19,556	12,593	6,963
RENTALS	1,008	500	84	0	84
PROF SERV	52,227	70,000	10,500	0	10,500
OUTSIDE SERV	81,237	64,500	10,772	18,382	(7,611)
ADVER PUB	528	500	84	145	(62)
DP-MAINFRAME	44,724	52,800	8,818	22,292	(13,474)
AUDITOR REIM	171,789	175,000	0	0	0
REIMBURSMENT	156,555	152,750	25,509	3,418	22,091
EQUIPMENT	207,600	175,100	35,020	698	34,322
EQUIP SMALL	11,726	6,000	1,200	1,147	53
OTHER EXP	7,750	63,732	10,643	31	10,612
	5,029,614	5,390,110	1,118,813	988,720	130,093

PARKS, PRESERVES AND RECREATION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	4,503,676	4,692,353	1,065,164	1,037,179	27,985
SEASONAL WORKERS	1,361,773	1,330,264	731,645	709,100	22,545
PERS TRV IN	74,702	73,050	12,199	7,475	4,724
STATE VEHICL	193,493	201,300	50,325	80,440	(30,115)
VEHICLE LEASE	249,875	298,400	74,600	66,249	8,351
PERS TRV OUT	4,946	6,200	1,035	3,164	(2,129)
OFF SUPPLY	43,613	44,000	7,348	3,705	3,643
FAC MAINT SU	567,338	513,830	164,426	165,672	(1,246)
EQUIP MAINT	386,151	342,000	109,440	108,439	1,001
AG CONS SUPP	27,246	34,500	11,040	4,114	6,926
OTHER SUPPLY	45,807	40,600	12,992	5,010	7,982
PRINT & BIND	65,367	32,500	5,428	1,462	3,966
UNIFORMS	37,039	34,577	20,746	3,306	17,440
COMMUNICATIO	100,133	111,000	18,537	22,234	(3,697)
RENTALS	41,037	42,550	13,616	12,635	981
UTILITIES	473,985	454,000	145,280	110,830	34,450
PROF SERV	53,409	51,784	8,648	971	7,677
OUTSIDE SERV	227,655	206,500	66,080	64,291	1,789
ADVER PUB	1,963	1,050	175	0	175
DP-MAINFRAME	2,140	5,000	835	145	690
REIMBURSMENT	10,573	7,375	1,232	4,429	(3,197)
EQUIPMENT	226,828	248,536	49,707	28,428	85
EQUIP SMALL	16,399	800	160	2,812	0
OTHER EXP	432	700	117	-26	12,732
LICENSES	1,145	697	116	925	25
	8,716,725	8,773,566	2,570,892	2,442,989	127,903

FORESTS AND FORESTRY DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	1,802,802	1,877,565	426,207	402,940	23,267
SEASONAL WORKERS	87,467	122,362	67,299	21,472	45,827
PERS TRV IN	41,920	41,200	6,880	6,831	49

STATE VEHICL	66,912	77,500	19,375	20,738	(1,363)
VEHICLE LEASE	118,585	136,500	34,125	28,415	5,710
PERS TRV OUT	5,167	11,500	1,921	2,461	(541)
OFF SUPPLY	28,570	19,000	3,173	880	2,293
FAC MAINT SU	38,187	35,500	5,929	3,872	2,057
EQUIP MAINT	55,993	55,500	9,269	12,463	(3,195)
AG CONS SUPP	78,354	74,000	12,358	560	11,798
OTHER SUPPLY	21,580	38,000	6,346	4,910	1,436
PRINT & BIND	13,751	21,500	3,591	2,698	893
UNIFORMS	11,716	13,000	2,171	164	2,007
COMMUNICATIO	48,783	48,500	8,100	7,029	1,071
RENTALS	39,879	43,000	7,181	808	6,373
UTILITIES	32,136	31,000	5,177	3,583	1,594
PROF SERV	14,291	1,500	251	0	251
OUTSIDE SERV	72,153	53,500	8,935	2,793	6,142
ADVER PUB	289	500	84	0	84
DP-MAINFRAME	1,248	1,500	251	85	166
REIMBURSEMENT	1,018	300	50	0	50
EQUIPMENT	39,392	66,285	13,257	12,732	525
EQUIP SMALL	1,192	9,574	1,915	25	1,890
OTHER EXP	42	0	0	0	0
	2,621,427	2,778,786	643,841	535,459	108,382

ENERGY & GEOLOGICAL RESOURCES DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	2,327,252	2,659,970	603,813	558,838	44,975
PERS TRV IN	23,745	40,168	6,708	2,357	4,351
STATE VEHICL	12,539	15,000	3,750	5,092	(1,342)
VEHICLE LEASE	12,230	14,000	3,500	1,680	1,820
PERS TRV OUT	42,688	74,336	12,414	3,345	9,069
OFF SUPPLY	30,382	34,858	5,821	3,041	2,780
FAC MAINT SU	623	1,500	251	212	39
EQUIP MAINT	1,837	3,200	534	14	520
PROF SUPPLY	1,465	1,434	239	0	239
OTHER SUPPLY	27,174	54,953	9,177	3,736	5,441
PRINT & BIND	36,466	54,573	9,114	3,316	5,798
UNIFORMS	1,321	1,300	217	0	217
COMMUNICATIO	40,490	41,350	6,905	4,583	2,322
RENTALS	2,112	2,500	418	646	(229)
UTILITIES	20,858	19,000	3,173	2,691	482
PROF SERV	943,476	1,129,990	169,499	36,723	132,776
OUTSIDE SERV	79,584	258,909	43,238	21,043	22,195
ADVER PUB	933	2500	418	51	367
OUT REPAIRS	14	500	84	0	84
DP-MAINFRAME	5,661	7,886	1,317	348	969
REIMBURSEMENT	10,714	11,635	1,943	153	1,790
EQUIPMENT	160,016	148,767	29,753	6,672	23,081
EQUIP SMALL	11,516	21,854	4,371	0	4,371
OTHER	4843	5,762	962	0	962
	3,797,939	4,605,945	917,619	654,541	263,078

ENVIRONMENTAL PROTECTION DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	8,780,016	10,642,911	2,415,941	2,118,739	297,202
PERS TRV IN	57,078	162,757	27,180	13,904	13,276
STATE VEHICL	39,981	58,550	14,638	13,723	915
VEHICLE LEASE	57,410	88,500	22,125	15,490	6,635

PERS TRV OUT	93,312	288,582	48,193	27,905	20,288
OFF SUPPLY	119,597	157,914	26,372	3,642	22,730
FAC MAINT SU	5,328	5,670	947	619	328
EQUIP MAINT	21,496	21,700	3,624	975	2,649
PROF SUPPLY	0	1,250	209	0	209
OTHER SUPPLY	14,901	39,684	6,627	2,264	4,363
PRINT & BIND	89,826	146,841	24,522	5,764	18,758
UNIFORMS	5,595	9,100	1,520	237	1,283
COMMUNICATIO	198,490	312,950	52,263	18,914	33,349
RENTALS	117,346	513,800	85,805	25,139	60,666
UTILITIES	23,352	24,400	4,075	3,917	158
PROF SERV	3,944,014	5,409,124	811,369	128,912	682,457
OUTSIDE SERV	79,547	171,400	28,624	19,284	9,340
ADVER PUB	8,310	11,626	1,942	1,853	89
DP-MAINFRAME	170,417	226,437	37,815	9,545	28,270
REIMBURSEMENT	57,442	64,500	10,772	2,325	8,447
EQUIPMENT	1,759,294	2,011,357	402,271	174,404	227,867
EQUIP SMALL	43,927	37,765	7,553	254	7,299
OTHER EXP	19,599	15,750	2,630	0	2,630
	15,706,278	20,422,568	4,037,015	2,587,809	1,449,206

FISH AND WILDLIFE DIVISION

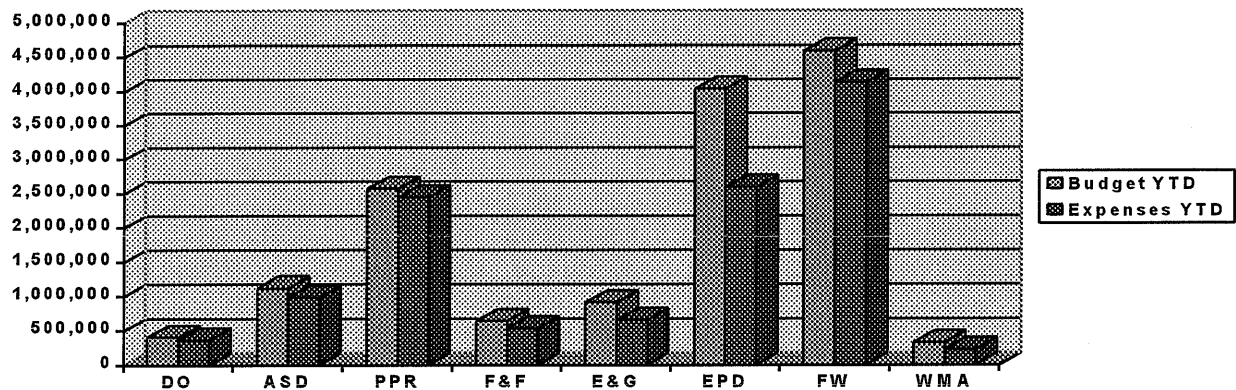
EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	12,402,330	12,946,097	2,938,764	2,870,267	68,497
SEASONAL WORKERS	805,914	837,412	460,577	310,695	149,882
PERS TRV IN	350,926	363,240	60,661	70,980	(10,319)
STATE VEHICL	506,847	512,700	128,175	169,982	(41,807)
VEHICLE LEASE	707,360	757,696	189,424	173,790	15,634
PERS TRV OUT	37,513	51,400	8,584	12,399	(3,815)
OFF SUPPLY	266,399	254,818	42,555	11,662	30,893
FAC MAINT SU	336,977	453,707	75,769	56,158	19,611
EQUIP MAINT	480,781	353,036	58,957	102,375	(43,418)
PROF SUPPLY	0	10,000	1,670	0	1,670
AG CONS SUPP	319,951	393,858	65,774	37,633	28,141
OTHER SUPPLY	193,323	113,077	18,884	16,262	2,622
PRINT & BIND	338,250	313,989	52,436	32,551	19,885
UNIFORMS	136,027	132,125	79,275	14,900	64,375
COMMUNICATIO	296,015	301,600	50,367	51,538	(1,171)
RENTALS	59,319	65,160	10,882	6,493	4,389
UTILITIES	234,382	242,216	40,450	36,678	3,772
PROF SERV	361,161	385,666	57,850	92,352	(34,502)
OUTSIDE SERV	175,192	171,862	28,701	13,688	15,013
ADVER PUB	4,349	23,600	3,941	74	3,867
DP-MAINFRAME	86,521	64,000	10,688	12,341	(1,653)
REIMBURSEMENT	82,648	120,751	20,165	75	20,090
EQUIPMENT	696,546	765,135	153,027	25,521	127,506
EQUIP SMALL	76,387	102,875	20,575	11,934	8,641
OTHER EXP	40,817	44,353	7,407	1,333	6,074
LICENSES	217	300	50	0	50
	18,996,152	19,780,673	4,585,608	4,131,681	453,927

WASTE MANAGEMENT ASSISTANCE DIVISION

EXPENSE CATEGORY	Actual FY96	Budget FY97	YTD Budget 9/30/96	YTD Actual 9/30/96	Under (Over)
PERS SERV	772,841	897,571	203,749	190,864	12,885
PERS TRV IN	28,797	60,855	10,163	6,126	4,037
STATE VEHICL	0	0		12	(12)

PERS TRV OUT	20,579	37,505	6,263	4325	1,938
OFF SUPPLY	13,475	60,172	10,049	737	9,312
EQUIP MAINT	1,192	915	153	51	102
OTHER SUPPLY	34,090	13,270	2,216	8,007	(5,791)
PRINT & BIND	43,742	109,393	18,269	3,686	14,583
UNIFORMS	28	0	0	0	0
COMMUNICATIO	15,567	20,000	3,340	1,445	1,895
RENTALS	776	4,390	733	700	33
PROF SERV	62,065	392,413	58,862	2,586	56,276
OUTSIDE SERV	8,855	11,835	1,976	965	1,011
ADVER PUB	8,101	12,475	2,083	1,623	460
DP-MAINFRAME	2,737	3,900	651	181	470
REIMBURSEMENT	33,075	59,870	9,998	500	9,498
EQUIPMENT-LARGE	34,166	12,610	2,522	5,152	(2,630)
EQUIPMENT-SMALL	1136	4964	993	299	694
OTHER	5,628	6,700	1,119	0	1,119
	1,086,850	1,708,838	333,139	227,259	105,880

DNR Division Level Expenditure Status, 9/30/96



Mr. Slatterly reviewed the division level status reports.

Discussion followed regarding printing, binding and communications increase under EPD, and break out of large and small equipment costs under WMA division.

INFORMATIONAL ONLY

APPOINTMENT - AARON HAWBAKER FOR REGINA THIRY (WASHBURN SEWAGE TREATMENT PROJECT)

Aaron Hawbaker, representing Regina Thiry, stated that the Thiry's have some concern regarding the Washburn Sewer Project. He related that they understood a wetland was required to be constructed as a secondary treatment measure for the effluent that will flow from the Washburn sewage lagoon. He noted that he and the Thiry's have been attempting to find information on the design/plans for the wetland, so they can determine whether or not it will be effective. He stated that last week the Black Hawk County Board of Supervisors voted to give the go-ahead for the lagoon to the contractors. Mr. Hawbaker added that he understood that a

pre-condition to the project is that the county is required to have wetland in place, and there is no information to show that the county is making an attempt to put a wetland in place. Mr. Hawbaker stated that information was exchanged between EPA and EDA because it was thought that in order to get federal funds for the project, certification had to be received from EPA that the project would comply with the pertinent environmental laws. The EDA submitted a supplemental environmental assessment incorporating the wetlands in August 1996. He distributed copies of a letter from EPA in August 1996, which stated that the EDA and the county supervisors did not show that the wetland would not have a negative impact on the waters downstream. He related that decision is in contrast to the decision of the DNR. He noted that the EPA points out that the existing information does not establish that it complies with the antidegradation laws. Mr. Hawbaker stated that after the EDA found out the EPA would not certify the funds, he was told the EPA did not care anymore, that the EPA decision does not matter, and that the EDA does not have to obtain certification even though they applied for it twice. He related that now he is being told that the decision of whether or not something is consistent with the environmental laws of the state has been delegated to the state. He related that the decision is left in the hands of the DNR and ultimately in the hands of the Commission. He reiterated that an examination of the wetland plans is necessary to determine whether the wetland is environmentally benign. He asked the Commission to direct the DNR staff to send notice to the county that construction cannot begin in the absence of plans evidencing the commitment to build the wetlands

Discussion followed regarding various issues with the project such as surveying for the wetland, whose property it will be on, and size of the wetland.

Allan Stokes stated that he distributed to each Commissioner's work station a memo from Darrell McAllister giving a status update. He related that it indicates the Black Hawk County Supervisors have awarded a contract for the construction of the proposed waste treatment lagoons as well as the collection system to convey the wastes from the residences to the treatment lagoons themselves. He noted that the EDA has provided Black Hawk County authorization to proceed under their financial assistance and the county would now be in a position to authorize the contractor to proceed with construction of the lagoon and collection systems. Mr. Stokes reiterated that the county has indicated they have been unable to do land surveying of the site due to standing crops in the field. He noted that the county has yet to apply for a 404 permit to expand or alter an existing wetland as they are waiting for the land survey. Additionally, the county has yet to apply for a construction permit for the outfall pipe. He related that they have a construction for the collection system and the lagoon system. He reviewed that the discharge from the outfall pipe to the wetland will meet the water quality standards established for the class of stream which it is classified as.

Discussion followed regarding the time frame for issuing the 404 permit.

No action was taken by the Commission on this issue.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT October 1, 1996

Proposal	Notice to Commission	Notice Published	Rules Review Committee	Hearing	Final Summary to Commission	Rules Adopted	Rules Published	Rules Review Committee	Rule Effective
1. Ch. 20 - Potential to Emit for Emergency Generators	9/16/96	10/09/96	11/12/96	*11/07/96	*11/18/96	*11/18/96	*12/18/96	*1/14/97	*1/22/97
2. Ch. 20, 21, 23, 25 and 29 - Air Quality Rules	10/21/96	*11/20/96	*12/10/96	*12/ /96	*1/14/97	*1/14/97	*1/29/97	*2/11/97	*3/05/97
3. Ch. 22 - Operating Permit by Rule for Small Sources	7/15/96	8/14/96	9/10/96	9/13/96	10/21/96	*10/21/96	*11/20/96	*12/10/96	*12/25/96
4. Ch. 23 - Waiver of Open Burning Separation Distance Requirement	5/20/96	6/19/96	7/09/96	7/09/96	9/16/96	9/16/96	*10/09/96	*11/12/96	*11/13/96
5. Ch. 53 - Protected Water Sources	6/17/96	7/17/96	8/13/96	8/07/96	9/16/96	9/16/96	*10/09/96	*11/12/96	*11/13/96
6. Ch. 61 - WQ Standards - Section 401 Certification/Section 404 Nationwide Permits	9/16/96	10/98/96	*11/12/96	*11/06/96	*11/18/96	*11/18/96	*12/18/96	*1/14/97	*1/22/97
7. Ch. 65, 68, 121 - Navigable Waters & Manure Application	6/17/96	7/17/96	8/13/96	8/06-09/96 8/12/96	9/16/96	9/16/96	10/09/96	*11/12/96	*11/13/96
8. Ch. 100, 102 - Special Waste Authorizations	10/21/96	*11/20/96	*12/10/96	*12/ /96	*1/14/97	*1/14/97	*1/29/97	*2/11/97	*3/05/97
9. Ch. 103 - Sanitary Landfill Liners	5/20/96	6/19/96	7/09/96	7/09/96	9/16/96	9/16/96	10/09/96	*11/12/96	*11/13/96
10. Ch. 133, 135 - Underground Storage Tank - Risk Based Corrective Action Stds.	6/17/96	7/17/96	8/13/96	8/6,7,8/96 8/12,14,15/96	*11/18/96	*11/18/96	*12/18/96	*1/08/97	*1/22/97

Variance Report September 1996

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Albert City, City of	Air Quality		Structures	Approved	09/03/96
2	Rudd, City of	Air Quality		Separation Distance	Approved	09/03/96
3	Iowa Select Farms-Hardin County	Wastewater Construction	Dennis Johnson	Engineer's Certification	Approved	09/03/96
4	Lake Mills, City of	Wastewater Construction	Yaggy Colby Associates	Site Separation	Approved	09/03/96
5	Otho, City of	Wastewater Construction	MER Engineering	Inlet Discharge Depression	Approved	09/16/96
6	Vinton, City of	Wastewater Construction	Hart-Frederick Consultants	Sewer Grade	Approved	09/09/96
7	Nevada, City of-Footbridge	Flood Plain	Snyder & Associates	Freeboard	Approved	09/26/96
8	Palo, City of-Pedestrian Bridge	Flood Plain	Brain Engineering, Inc.	Freeboard	Approved	09/03/96
9	Cedar Falls, City of	Wastewater Operation		Monitoring Frequency	Denied	09/03/96
10	Williamsburg, City of	Wastewater Operation		Monitoring Frequency	Approved	09/03/96
11	Cargill, Inc.-Fly Ash/Gypsum Landfills-Mahaska Co.	Sanitary Disposal	Howard R. Green Company	Liner	Approved	09/03/96
12	Cargill, Inc.-Fly Ash/Gypsum Landfills-Mahaska Co.	Sanitary Disposal	Howard R. Green Company	G.W. Monitoring	Approved	09/03/96
13	Cargill, Inc.-Fly Ash/Gypsum Landfills-Mahaska Co.	Sanitary Disposal	Howard R. Green Company	Leachate	Approved	09/03/96
14	Cargill, Inc.-Fly Ash/Gypsum Landfills-Mahaska Co.	Sanitary Disposal	Howard R. Green Company	Certified Operator	Approved	09/03/96
15	Fort Madison, City of	Watersupply Construction	Poepping, Stone, Bach & Associates, Inc.	Installation Procedures	Denied	09/13/96
16	IBP, Inc.-Denison	Watersupply Construction	Jensen Well Company, Inc.	Installation Procedures	Approved	09/09/96

Report of Hazardous Conditions

During the period September 1, 1996, through September 30, 1996, 73 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemicals	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	64(51)	37(38)	9(3)	18(10)	21(32)	0(0)	35(16)	3(0)	1(0)	4(2)
Nov.	52(54)	34(24)	7(7)	11(23)	25(29)	4(0)	21(22)	1(3)	0(0)	1(0)
Dec.	56(52)	30(27)	11(2)	15(23)	28(38)	2(1)	21(12)	2(0)	1(0)	2(1)
Jan.	42(48)	18(29)	10(7)	14(12)	24(31)	0(0)	13(14)	1(1)	0(1)	4(1)
Feb.	55(48)	36(29)	11(12)	37(31)	1(0)	1(0)	12(14)	2(1)	1(1)	2(1)
Mar.	59(41)	44(27)	6(5)	9(9)	29(24)	0(0)	28(17)	0(0)	0(0)	2(0)
Apr.	93(75)	41(30)	37(25)	15(20)	37(39)	1(1)	36(30)	3(1)	2(1)	14(3)
May	100(90)	46(45)	34(40)	20(5)	31(34)	2(0)	58(49)	1(2)	0(1)	8(4)
Jun.	67(98)	38(48)	19(29)	10(21)	26(32)	3(2)	30(56)	1(2)	0(0)	7(6)
Jul.	88(92)	50(58)	24(21)	14(13)	50(43)	2(0)	30(45)	1(2)	1(0)	4(2)
Aug.	57(72)	34(46)	10(9)	13(17)	32(43)	2(0)	16(25)	0(1)	0(1)	7(2)
Sept.	73(41)	45(25)	10(8)	18(8)	30(24)	6(0)	27(14)	3(1)	0(1)	7(1)

(numbers in parentheses for the same period in fiscal year '95)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	11	11	4	22	18

SUMMARY OF ADMINISTRATIVE PENALTIES

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93

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*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Stan Simmer d/b/a Tire City (D. M.)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R&R Convenience Store (Central City)	UT	2,480	2-28-93
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster & Jim Koster (Alexander)	UT	350	6-11-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Holland, City of	WS	550	8-28-94
Coralville Lake Terrace Assn. (No. Liberty)	WS	550	9-01-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemberg)	WS	125	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington County)	WS	200	10-22-94
*Dale Hall d/b/a Hall Oil Co. (D.M.)	UT	250	11-15-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Ron Mumby (Iowa Co.)	SW	2,000	4-19-95
Jody Beaver (Cedar Co.)	SW/AQ	2,000	5-27-95
Valley Heights 1st Annex (Blue Grass)	WS	550	6-05-95
Rock Falls Lounge (Rock Falls)	WS	1,500	6-12-95
Dallas County Care Facility (Adel)	WS	550	6-13-95
Crestwood Acres; Mid County Water, Inc. (Toddville)	WS	375	6-13-95
Lake Vista Improvement Assn., Inc. (Solon)	WS	200	6-14-95
Fremont County Sanitary Landfill (Fremont Co.)	SW	5,000	7-05-95
David A. Dohlman d/b/a Dave's Conoco (Dumont)	UT	2,300	7-18-95
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Sheldahl, City of	WS	200	8-30-95
Norman Klynsma d/b/a OK One Stop Service (Hospers)	UT	2,000	9-01-95
Orville Long (Polk Co.)	SW	3,000	9-12-95
Ken Frese (Keokuk Co.)	SW/AQ	1,000	10-03-95
Carter Lake, City of	WS	200	10-25-95
Meadow Knolls Addition (Marion)	WS	200	10-29-95
Searsboro, City of	WW	2,500	11-08-95
*R. V. Hopkins, Inc. (Davenport)	AQ	10,000	11-15-95
Economy Solar Corp. (Monticello)	AQ	7,500	11-25-95
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Steven Mullane d/b/a S & S Landscaping (Madison Co.)	AQ/SW	2,000	2-14-96
Cheryl Straughn d/b/a Cher's Mini Mart (Chapin)	UT	600	2-21-96
Dennis Sharkey d/b/a Sharkey Bldg. Wrecking (Dubuque)	AQ	2,000	3-11-96
Sportsmen's Club (Waukon)	WS	100	4-01-96
C & C Ltd. d/b/a Country View MHP (Denison)	WS	475	4-08-96

Brian McKernan d/b/a Hickory Grove MHP (Story Co.)	WW	1,000	4-15-96
Long Branch Tavern (Monmouth)	WS	100	5-01-96
David Kramer (Camanche)	UT	600	5-03-96
Latimer, City of	WS	150	5-03-96
Ainsworth, City of	WS	150	5-03-96
Hofer's Danceland Ballroom (Walford)	WS	100	5-04-96
McClelland Bar & Grill (Council Bluffs)	WS	100	5-06-96
Paul L. Dunkel (Delaware Co.)	SW	1,500	6-27-96
*Orrie's Supper Club, Inc. (Hudson)	WS	650	7-15-96
*Woden-Crystal Lake Comm. School District (Crystal Lake)	AQ	1,000	8-01-96
Plantation Village Mobile Home Park (Burlington)	WW	1,000	8-01-96
Rayburn Court for Mobile Homes (Mason City)	WS	500	8-25-96
Dennis L. Mattison (Winnebago Co.)	AQ/SW	600	9-03-96
*Dan Peterson d/b/a Peterson Backhoe (Dumont)	AQ	500	9-22-96
Carpenter Bar & Grill (Carpenter)	WS	725	9-27-96
Howard Victor and Wanda Victor (D.M.)	UT	10,000	10-21-96
Riverside Lutheran Bible Camp (Story City)	WS	500	10-28-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
*First United Methodist Church (Ft. Madison)	AQ	2,500	11-01-96
Holliman LTD.; Terry Holliman (Hamburg)	SW/WW	10,000	11-27-96
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
Deer Ridge Estates (Ottumwa)	WS	100	-----
Dan Dooley (Polk Co.)	SW	2,000	-----
Honan Holdings USA, Inc.; Manildra Energy Corp.;			
Manildra Milling Corp. (Hamburg)	SW/WW	1,000	-----
Joseph Barragy; Tom Barragy; J & M Woodshavings, Inc. (Cerro Gordo Co.)	AQ/SW	4,000	-----
TOTAL		141,200	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul Underwood d/b/a Underwood Excavating (C. Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	SW/AQ	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
TOTAL		31,879	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
Hickory Hollow Water Co. (Ankeny)	WS	400

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Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Charles Kerr (Sloan)	UT	600
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Frank Hulshizer (Benton Co.)	SW	500
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
LeMars, City of	WW	5,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel (Shell Rock)	AQ	3,000
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Galva Union Elevator Co. (Galva)	UT	3,100
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Tom Wiseman (Sheffield)	UT	3,500
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
American Coals Corporation - Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. aka Hazardous Environmental Wastes, Inc. aka Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Jim Foust (Indianola)	SW	2,175
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Richard Beckett (Villisca)	UT	1,300
Henry and Randy Krohn d/b/a Krohn Const. (Waukee)	AQ/SW	4,000
James and Roxann Neneman; J&R Mini Mart (C. B.)	UT	3,900
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Sale-R-Villa Const., Inc. (Perry)	AQ	10,000
Otis Schultz d/b/a Schultz Oil Co. (Sac City)	UT	2,200
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
# Larry Royer (Guthrie Co.)	WW	1,000
Leonard Borman (Preston)	UT	2,000
Economy Solar Corp.; Jeffrey C. Intlekofer (C. R.)	AQ	10,000
Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals (Lee Co.)	HC/WW	10,000

Cumberland Ridge First Addition (North Liberty)	WS	550
Earth Media Technologies, Inc. (Polk Co.)	SW	3,000
Allison Fire Dept.; Allison, City of	AQ	5,000
Pilot Oil Corporation (Walcott)	WW/UT	5,000
Leonard C. Page (Adams Co.)	SW	3,000
White Oaks Homeowners Assn. (Ankeny)	WS	1,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald Krieger (Terrill)	UT	600
Donald J. Foreman d/b/a D&R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Holiday Mobile Lodge, Inc. (Johnson Co.)	SW/AQ	2,000
Shell Rock Products, Inc. (Butler Co.)	SW/AQ	10,000
E.L. Incorporated (Algona)	SW	5,000
Weber Construction, Inc. (Cascade)	AQ	4,000
Tri-County Bank & Trust (Cascade)	AQ	4,000
Jack Pinney Operations, Inc. (Sioux City)	AQ	4,000
# Gary Watson (Cerro Gordo Co.)	WW	2,500
Vernon Kinsinger d/b/a K & K Sanitation (Washington Co.)	AQ/SW	10,000
Roy Burger (Gillette Grove)	UT	5,400
Spencer Municipal Hospital (Spencer)	AQ	3,000
Massena, City of	WW	1,200
Westside Park for Mobile Homes (Burlington)	WW	3,000
Climax Molybdenum Company (Ft. Madison)	HC/AQ	10,000
Clarence, City of	WW	3,000
All-States Quality Foods (Charles City)	WW	5,000
Bill Shirbroun d/b/a Was Broken Pallet (Webster Co.)	AQ/SW	1,000
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	4,800
Hidden Valley Mobile Home Park (Washington)	WW	2,000
Jolly Roger Campground & Marina (North Liberty)	WW	1,000
Markley Knock d/b/a Knock's Bldg. Supply (Parkersburg)	AQ/SW	2,000
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800
Russell Stagg (Muscatine Co.)	AQ/SW	2,000
Obie's Hurstville Tap, Inc. (Maquoketa)	WS	100
Edward Bodensteiner (Des Moines)	UT	3,200
Dallas County Care Facility (Adel)	WW	2,500
# Marlin Brenneman (Iowa Co.)	WW	3,000
Mount Joy Mobile Home Park (Davenport)	WW	2,000
Louisa-Muscatine Community School (Letts)	WS	500
Davenport Travel Plaza (Walcott)	WS	250
# C & I Eggs (Webster Co.)	WW	3,000
Vermeer Manufacturing Co. (Pella)	AQ	10,000
Gary Walker (Montgomery Co.)	AQ/SW	3,000
Mildred Eileen Bentley (Johnson Co.)	AQ/SW	1,000
Haasco, Ltd. (Dubuque)	AQ	3,000
Site Services, Ltd. (Waterloo)	AQ	5,000
Mederer Corporation (Creston)	WW	10,000
Winsor Oil Co., Inc.; Joyce Winsor (Vinton)	UT	1,500
Bernie Brauns d/b/a Brauns Waste Mgmt. (Muscatine Co.)	AQ/SW	10,000
Becker Gravel Company, Inc. (Stratford)	WW/FP	3,000
Ron Rupe (Polk Co.)	SW	2,000
Richard L. Magdefrau (Washington Co.)	AQ/SW	2,000
Lamoni, City of	WW	1,000
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500

Dakota Mobile Home Park (Oxford)	WW	2,550
Waste Mgmt. & Design; Monfort, Inc. (Des Moines)	SW/WW	10,000
Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Leroy Navratil d/b/a Navratil Excavating (Plymouth)	AQ/SW	600
Richard Sprague (Tripoli)	AQ/SW	5,000
TOTAL		396,253

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
*Woden-Crystal Lake Comm. School Dist. (Crystal Lake)	AQ	500
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	100
Ferris Sullivan d/b/a Sullivan's Sinclair (Preston)	UT	100
Cedar River Trailer Park (Letts)	WS	100
Toys "R" Us, Inc. (Davenport)	UT	3,000
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	100
George Dolan (Northwood)	UT	100
Mark Twain Meadows Assoc. (Muscatine)	WS	25
Larry and Kelly Miller (Ogden)	UT	100
Perry, City of (STIPULATED PENALTY)	WW	13,100
*First United Methodist Church (Ft. Madison)	AQ	500
Orrie's Supper Club, Inc. (Hudson)	WS	275
*Orrie's Supper Club, Inc. (Hudson)	WS	100
J.P. Scherrman, Inc. (Farley)	UT	100
Woodbury County Highway Department (Woodbury Co.)	UT	100
R.D.J. Farms; Donald Vogt (Van Horne)	UT	100
Bacon Addition (Monticello)	WS	200
Griffith Oil Corp. (Pleasant Valley)	UT	100
TOTAL		18,700

ATTORNEY GENERAL REFERRALS

October 1, 1996

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
DeCoster, A.J. Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed	7/17/95 1/23/96 3/06/96

State's Resistance Filed	3/27/96
Order Denying Defendant's Motion	4/12/96
Defendant's Motion for Separate Trials	4/19/96
State's Resistance Filed	4/29/96
Defendant's Answer	5/01/96
Defendant's Reply to Resistance	5/06/96
State's Supplement to Resistance	5/30/96
State Brief	5/31/96
Hearing on Motion for Separate Trials	6/03/96
Order Denying Defendant's Motion	6/28/96
Trial Date	1/28/97

DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	8/19/96
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/22/94 8/29/94 10/21/96
Economy Solar Corp./Central Community School DeWitt (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
Economy Solar Corp. Cedar Rapids (1)	Air Quality	Penalty Collection	Order/Penalty	Referred	6/17/96
ESCORP/Cryotech Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred	7/17/95
ESCORP Associates, Ltd; Arnold Olson Cedar Rapids (1) New	Air Quality	Asbestos	Order/Penalty	Referred	9/16/96
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed	12/18/95 4/18/96
Humiston, Fred d/b/a Cedar River Trailer Park Letts (6) New	Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred	9/16/96

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Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed	11/21/94 4/18/96
Lee, Harold and Evelyn Keokuk Co. (6)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	10/16/95 5/16/96
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Underground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Plantation Village Mobile Home Park Burlington (6)	Wastewater	Monitoring/Reporting	Order/Penalty	Referred Motion for Judgment Hearing on Motion Judgment for \$1,000	10/16/95 7/10/96 7/29/96 8/01/96
Postville Pork Postville (1)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/20/96
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Default Judgment	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed	10/17/94 5/12/95
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment Hearing	5/15/95 8/15/96 9/27/96
Welch Oil, Inc. Williams Updated	Underground Tank	Penalty Collection	Order/Penalty	Referred Penalty Paid Interest and Costs Due \$692 in Costs/\$450 Interest Received	6/17/96 7/29/96 9/20/96
Wunschel Oil Co.; Vernus, Jaquelyn and Mark Wunschel	Underground Tank	Site Assessment	Order/Penalty	Referred Motion for Judgment	1/17/95 8/28/96

Ida Grove (3)

Tank

Date Received	Name of Case	Action Appealed	Program	Assigned To	Status
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	Draft consent order under review by
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	Draft consent order under review by
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council	Admin. Order	SW	Kennedy	EPD considering public hearings.
6-20-90	Des Moines, City of	NPDES Permit	WW	Hansen	EPD met with City to resolve appeal
7-02-90	Keokuk Savings Bank and	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely
10-15-90	Westside General Store Corp.	Admin. Order	UT	Wornson	Evaluating inability to pay - UST
12-03-90	United States Gypsum Co.;	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and	Admin.	SW	Kennedy	Hearing continued. Clean-up
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing
1-17-92	Hickory Hollow Water Co.	Admin.	WS	Hansen	Settlement offer to WS. Counter offer
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin.	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin.	HC	Wornson	Settlement letter sent 8/31/94. SCR
4-24-92	Charles A. Kerr	Admin.	UT	Wornson	Financial inability claimed. Warning
5-05-92	Plymouth Cooperative Oil Co.	Admin.	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Wornson	Financial inability claimed. Claimant
6-23-92	Chickasaw County Board of	Admin.	SW	Kennedy	County to include closing in FY 1997
8-06-92	Randy Bonin and Vickie	Admin.	SW	Kennedy	Clean-up progress is slow.
8-24-92	Dean Hoeness d/b/a Hoeness &	Admin.	UT	Wornson	Financial inability claimed.
9-21-92	ITWC	Admin.	AQ	Preziosi	Settlement close.
9-22-92	King's Terrace MHP	Admin.	WW	Hansen	8/94-Letter to facility regarding
11-16-92	Frank Hulshizer	Admin.	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit	WW	Hansen	3/30/93 Dept. settlement offer made.
1-22-93	Pirelli Armstrong Tire Co.	Admin.	SW	Kennedy	F.O. 5 to meet with company 2/26/96
4-05-93	Mapleton, City of	WW Operator	WW	Hansen	Under review by EPD. Appeal
4-12-93	LeMars, City of	Admin.	WW	Hansen	Construction permit issued. Schedule
4-19-93	Council Bluffs, City of	Permit	WW	Hansen	8/96 - Letter to City in attempt to
4-21-93	Donald Udell	Admin.	SW	Kennedy	Clean-up completed. Penalty

4-26-93	Crane Co.	Admin.	SW	Kennedy	DNR engineers meeting with
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	1/25/96-Letter to parties regarding
7-09-93	Oakwood Park Water, Inc.	Admin.	WS	Hansen	Construction permit issued 2/94.
7-20-93	Valley Restaurant/Sierp Oil;	Admin. Order	UT	Wornson	Settlement expected.
7-20-93	U.S. Dept. of Defense	Admin.	UT	Wornson	SCRs on the site and several others in
8-03-93	Waldo Vannoy	Admin. Order	UT	Wornson	Compliance completed. Low-risk.
11-15-93	J.P. Scherrman, Inc.	Admin.	UT	Wornson	SCR accepted. Penalty letter sent
11-16-93	Iowa Southern Utilities	Permit	AQ	Preziosi	Awaiting summary of issues from
12-23-93	Waverly Gravel & Ready-Mix	Admin.	AQ	Preziosi	Negotiating penalty. Settlement
1-27-94	Archer-Daniels-Midland	Permit	AQ	Preziosi	Negotiating before filing.
2-14-94	Economy Solar Corp.	Admin.	AQ	Preziosi	Judicial review decision received in
2-21-94	Toys "R" Us	Admin.	UT	Wornson	SCR received. Penalty received.
2-28-94	Coastal Mart - Davenport	Admin.	UT	Wornson	Deficient SCR. Letter sent. Penalty
3-03-94	Burlington Northern Railroad	Tax	WW	Hansen	3/96 - Letter to company regarding
3-08-94	Country Stores of Carroll, Ltd.;	Admin.	UT	Wornson	All SCRs received. Settlement
4-19-94	Galva Union Elevator Co.	Admin.	UT	Wornson	Negotiating penalty.
5-10-94	Dennis Malone; Joanne Malone	Admin.	UT	Wornson	Untimely appeal. No closure as of
5-27-94	Joseph L. Ranker; Daryl	Admin.	UT	Wornson	Insurance to qualify for remedial
6-08-94	Larry & Kelly Miller	Admin.	UT	Wornson	SCR accepted 1/26/96. Penalty le
6-15-94	Lakeview Heights	Permit	WS	Hansen	Facility proposal under review by
6-20-94	R.D.J. Farms and Donald	Admin.	UT	Wornson	SCR accepted. Penalty letter sent
6-24-94	Griffith Oil Corp.	Admin. Order	UT	Wornson	SCR accepted. Penalty letter sent
6-24-94	Larence Otto	Admin.	UT	Wornson	SCR approved 2/1/96. Follow-up
7-07-94	Rose Bar Tire Shredding	Admin. Order	SW	Kennedy	In bankruptcy. 1/96 Working on fire
7-12-94	Tom Wiseman	Admin.	UT	Wornson	Appeal untimely. Follow-up letter
7-15-94	Village Oaks Homeowners	Admin.	WS	Hansen	WS reviewed file for compliance.
8-12-94	Karl and Thelma Boylan d/b/a	Admin.	UT	Wornson	Inability to pay. Failed to return
8-18-94	Thomas Scheetz d/b/a The	Admin.	UT	Wornson	SCR accepted. Penalty letter sent
8-29-94	B and B Tire and Oil	Admin.	UT	Wornson	SCR accepted. Letter sent offering
9-01-94	Elmer R. Faust d/b/a Faust	Admin.	UT	Wornson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin.	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin.	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5	Admin.	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation
9-15-94	Bankston	Admin.	WS	Hansen	1/95 - Information from City.
9-16-94	Wunschel Oil Co.; Vernus	Admin.	UT	Wornson	Consent order. SCR received.
9-26-94	James D. Foust	Admin.	SW	Kennedy	Settlement offer made 1/23/96. FO
10-07-94	Titan Wheel International	Admin.	WW	Hansen	Revised BMR report
10-19-94	Ronald Sizemore; Mark	Admin.	UT	Wornson	Inability to pay documented. County
10-26-94	Boomsma's Inc.	Admin.	AQ	Preziosi	Negotiating before filing.
10-27-94	George Dolan	Admin.	UT	Wornson	SCR accepted. Penalty settlement
10-31-94	Woodbury Co. Highway Dept.	Admin.	UT	Wornson	SCR received. Penalty settlement

10-31-94	Owens & Owens Realty, Inc.;	Admin.	UT	Wornson	Proposed decision 10/5/95. Appealed
11-02-94	Richard Waugh	Admin.	UT	Wornson	Site check received. Penalty
11-14-94	Tom Babinat d/b/a Tom's Car	Admin.	UT	Wornson	Inability to pay - request
11-28-94	Richard Beckett	Admin.	UT	Wornson	Referral to UST Fund. Follow-up -
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and
1-11-95	Henry and Randy Krohn d/b/a	Admin.	AQ/SW	Kennedy	Settlement offer made. FO rejected
1-13-95	James and Roxann Neneman	Admin.	UT	Wornson	Inability to pay. Forms sent. No
1-13-95	Simonsen Industries, Inc.	Admin.	WW	Hansen	2/28/95 - Submittal by facility's
2-23-95	Lehigh Portland Cement	Permit	WW	Hansen	Informal settlement meeting held on
2-27-95	Sale-R-Villa Construction	Admin.	AQ	Preziosi	Settlement meeting held 5/23/96.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation
4-13-95	The Weitz Corp.; Barton	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
4-19-95	Otis Schultz d/b/a Schultz Oil	Admin.	UT	Wornson	SCR accepted. Penalty settlement
4-26-95	Larry Royer	Admin.	WW	Clark	Second settlement letter 6/14/96. FO
5-03-95	Bacon Addition Homeowners	Admin.	WS	Clark	Compliance due 9/30/96. Penalty
5-05-95	C & O Recycling Enterprises;	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-23-95	Leonard Bormann	Admin.	UT	Wornson	SCR received 10/26/95. Free product
5-25-95	Ferris Sullivan d/b/a	Admin.	UT	Wornson	Revised SCR received. Penalty
5-25-95	Marty Feinberg d/b/a Feinberg	Admin.	HC/WW	Kennedy	Hearing set for 11/1/96. Clean-up
5-25-95	E.I. DuPont DeNemours (95-A-	Permit	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Economy Solar Corp.; Jeffrey	Admin.	AQ	Preziosi	Hearing set for 11/8/96.
5-30-95	Earth Media Technologies	Admin.	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-	Permit	AQ	Preziosi	Awaiting engineering evaluation.
6-01-95	Mark Twain Meadows Assoc.	Admin.	WS	Kennedy	Penalty received. Settled.
6-07-95	Cumberland Ridge	Admin.	WS	Kennedy	Awaiting penalty payment - due
6-09-95	Don Peterson d/b/a Peterson	Admin.	AQ	Preziosi	Settled. Awaiting final penalty
6-16-95	Allison Fire Dept.; City of	Admin.	AQ	Preziosi	Awaiting penalty payment.
6-16-95	Pilot Oil Corporation	Admin.	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit	WW	Hansen	WW permits to negotiate settlement.
6-23-95	Leonard C. Page	Admin.	SW	Kennedy	Penalty settlement due 7/30/96.
6-29-95	White Oaks Homeowners Assn.	Admin.	WS	Hansen	Informal meeting held 3/8/96.
7-03-95	Donald J. Foreman d/b/a D & R	Admin.	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin.	WW	Hansen	Informal meeting held for 6/7/96.
7-10-95	Donald Krieger	Admin.	UT	Wornson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin.	UT	Wornson	SCR received - rejected. Review
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Hearing continued.
7-28-95	Harold T. Knott; James C.	Admin. Order	UT	Wornson	Negotiating before filing.
8-01-95	Wilbur McNear d/b/a McNear	Admin.	UT	Wornson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin.	AQ/SW	Kennedy	Appellant's attorney reply due
8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Wornson	Compliance initiated.
8-24-95	Shell Rock Products, Inc.	Admin.	AQ/SW	Kennedy	Settlement offer due 8/1/96.

9-06-95	Kraft Foods Inc.; Oscar Mayer	Variance	WW	Hansen	Informal meeting held 10/10/95.
9-20-95	FKI Industries, Inc.; Fairfield	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin.	SW	Kennedy	Appellant no longer accepting waste.
10-17-95	Tri-County Bank	Admin.	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin.	AQ	Preziosi	Hearing set for 11/26/96.
11-02-95	Salsbury Chemicals, Inc.	Permit	WW	Hansen	Informal meeting held 12/4/95.
11-03-95	Jack Pinney Operations, Inc.	Admin.	AQ	Preziosi	Settlement close.
11-14-95	Mike Barker	GW	UT	Wornson	Settlement negotiations underway.
11-21-95	Gary Watson	Admin.	WW	Clark	Negotiating before filing.
12-12-95	Vernon Kinsinger, K & K	Admin.	AQ/SW	Kennedy	Informal meeting held.
12-13-95	Roy Burger	Admin.	UT	Wornson	Compliance complete - negotiating
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
12-29-95	Spencer Memorial Hospital	Admin.	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Wornson	Current owner to complete SCR.
1-04-96	Massena, City of	Admin.	WW	Clark	Negotiating before filing.
1-08-96	Westside Park for Mobile	Admin.	WW	Hansen	Past due monthly monitoring reports
1-11-96	Climax Molybdenum Company	Admin.	AQ/HC	Preziosi	Negotiating before filing. Meeting set
1-12-96	Clarence, City of	Admin.	WW	Hansen	1/96 - Facility inspected by FO 6.
1-17-96	All-States Quality Foods, L.P.	Admin.	WW	Murphy	Settlement offer 6/26/96.
1-19-96	Bill Shirbroun d/b/a Was	Admin.	AQ/SW	Kennedy	Negotiating before filing.
1-22-96	Daryl Hollingsworth and Karen	Admin.	UT	Wornson	Negotiating before filing.
1-24-96	Jolly Roger Campground	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Hidden Valley Mobile Home	Admin.	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's	Admin.	AQ/SW	Kennedy	Phone conference with attorney
1-30-96	Dean Williams d/b/a Williams	Admin.	UT	Wornson	Compliance initiated.
2-06-96	Russell Stagg	Admin.	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin.	UT	Wornson	Hearing set for 11/7/96.
3-04-96	Ames, City of	Permit	WS	Hansen	Informal meetings held 3/22/96 and
3-11-96	Dallas County Care Facility	Admin.	WW	Hansen	Facility inspection to be scheduled by
3-11-96	Marlin Brenneman	Admin.	WW	Clark	Negotiating before filing.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Negotiating before filing.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin.	WW	Hansen	3/25/96 Inspection by FO 6. Facility
3-26-96	Louisa-Muscataine Community	Admin.	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin.	WW	Clark	Negotiating before filing.
5-03-96	Mildred Eileen Bentley	Admin.	AQ/SW	Kennedy	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin.	WW	Hansen	6/20/96 - informal meeting held.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin.	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin.	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Negotiating before filing.

5-29-96	Champion Intl. Corp.	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-29-96	Haasco, Ltd.	Admin.	AQ	Preziosi	Negotiating before filing.
6-03-96	Mederer Corp.	Admin.	WW	Murphy	Settled.
6-07-96	Clow Valve Company	Permit	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19	Admin. Order	WW	Clark	Hearing held 10/2-4/96..
6-10-96	DeCoster Farms of Iowa (5	Permit Denial	WR	Clark	Hearing held 10/2-4/96.
6-17-96	Winsor Oil Co., Inc. ; Joyce	Admin.	UT	Wornson	Hearing set for 10/28/96. Compliance
6-19-96	Appanoose Co. Sanitary	Permit	SW	Kennedy	Negotiating before filing.
6-25-96	Bernie Brauns d/b/a Brauns	Admin.	AQ/SW	Kennedy	Negotiating before filing.
7-08-96	Becker Gravel Co., Inc.	Admin.	WW/FP	Clark	Negotiating before filing.
7-11-96	Ron Rupe	Admin.	SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin.	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa	Permit Denial	WW	Clark	Hearing held 10/2-4/96.
8/01/96	DeCoster Farms of Iowa	Admin.	WW	Clark	Hearing set for 11/15/96.
8/02/96	Gene Hammen d/b/a Maple	Permit Denial	WW	Clark	Hearing held 9/23/96.
8/09/96	Gene and Margaret	Admin.	UT	Wornson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a	Admin.	WW	Clark	Negotiating before filing.
8/20/96	Monsanto (PWSID7048161)	Permit	WS	Hansen	Revised permit issued to resolve
8/23/96	Waste Management & Design	Admin.,	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin.	UT	Wornson	Negotiating before filing.
8/30/96	LeRoy E. Navratil	Admin.	AQ/SW	Kennedy	New case.
9/04/96	Ag Processing, Inc./Sheldon	Permit Denial	AQ	Preziosi	New case
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	New case.
9/26/96	Richard Sprague	Admin.	AQ/SW	Kennedy	New case.

Mr. Stokes stated that he distributed a copy of a letter from the Administrative Rules Review Committee (ARRC) expressing concern about the Commission's withdrawal of the rulemaking that would have expanded the applicability of manure management plans (MMP's) to small facilities. He related that he, Don Paulin, and a staff member attended an ARRC meeting in which the ARRC clarified that their intention was simply to indicate their disagreement with the Commission's decision not to object to the rule currently in place, which requires MMP's for other facilities. He related that would work opposite of the direction they wanted to go and the letter indicates they were objecting to the withdrawal of the rulemaking. Mr. Stokes noted that the ARRC voted to refer the matter to the legislature when it convenes in January.

Mr. Stokes reviewed that two months ago the Commission asked that a group be formed to revisit the issue of separation distances for composting operations. He noted that there already is in existence a state composting advisory committee who had an initial, formative meeting several weeks ago. He added that they will meet again on November 19 and will work with Teresa Hay and her division relative to composting. He indicated that since this group is already

in existence, and has a broad representation of various groups, it was decided to utilize this group to revisit the separation distance issue.

Discussion followed regarding several items/cases on the various reports.

INFORMATIONAL ONLY

AIR QUALITY PROGRAM UPDATE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided an update on the current status of the Air Quality Program including budget status, implementation of the file imaging system, status of moving the Air Quality Bureau to new offices, and other program issues.

Mr. Stokes reported that the Air Quality Bureau has now scheduled regular monthly meetings with the various stakeholders to be held prior to the monthly EPC meetings. Attendees at the meeting will be given information on status of rules, status of budgets, and status of computer imaging and data systems, etc.

Chairperson King stated that she attended the October 3 meeting of the stakeholders group and felt it was very beneficial.

Mr. Stokes reported on a follow up meeting to the regional meeting with EPA and noted that staff will work with stakeholders on exemptions vs. registration issue, the twelve month rolling average, and recordkeeping required for the 50% rule.

Mr. Stokes distributed a packet containing a written response to Amy Christensen, on behalf of the various stakeholders, in answer to some of their concerns about the Air Quality Program/Budget. The packet also provided details covering the Title V Fees, transfer of obligations from 1996 to 1997, and differences between budgeted and actual expenditures in FY96. Mr. Stokes thoroughly discussed these issues as well as the change in predicted expenditures for FY 97.

(A copy of the packet is on file in the department's Records Center)

Mr. Stokes updated the Commission on the Air Quality Bureau's new office in Windsor Heights. By year's end there should be 62.5 FTE's in this bureau. He added that all members of the Environmental Protection Division will attend a training session on customer service and communications. Discussion followed regarding permit issuance.

INFORMATIONAL ONLY

SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a one year, \$45,000 contract with the Division of Soil Conservation, Department of Agriculture and Land Stewardship, (DSC) to continue the Carroll County Livestock Pollution Abatement Project. The contract will support the FFY97 activities of the project and will be funded using EPA Section 319 nonpoint pollution control funds awarded to the Department for this project.

The contract will support the activities of the multi-year project to protect and improve the surface and groundwater resources of Carroll County by reducing the movement of animal waste from open feedlots and animal confinement operations to these waters. This will be accomplished by providing training on manure management plan preparation and benefits of the plans to local organizations and individuals, (i.e., agri-service agronomists, seed corn agronomists, livestock feed dealers, custom manure applicators, ICM providers, agriculture lenders, vocational consultants, etc.) who are in a position to assist farmers develop such plans. This process will allow the knowledge base available to local livestock producers to be expanded, assure the long term continuation of these activities after the project ceases and allow for expansion outside of Carroll County.

Contract funds will support a staff position to work with the Carroll County SWCD and NRCS in conducting the project. Funds from other sources will also be used to support the project.

Mr. Stokes explained details of the contract.

Motion was made by Kathryn Murphy to approve the Section 319 Nonpoint Source Pollution Control Project Contract with the Department of Agriculture and Land Stewardship as presented. Seconded by Terrance Townsend. Motion carried unanimously.

Discussion followed regarding the staff position duties and how well the project is supported.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTERS 20, 21, 23, 25, AND 29, AIR QUALITY RULE REVISIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution," and Chapter 23, Emission Standards for Contaminants," Iowa Administrative Code.

Items 2, 8, and 12 would make minor changes in wording for clarification purposes.

Item 1 would amend 567-subrule 22.1(2) to add the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) contained in 40 CFR Part 63 to the list of rules specifically applicable when determining whether a source is exempt from the requirement to obtain a construction permit.

Item 3 would revise subrule 22.2(1) to allow 60 rather than 30 days for an applicant to submit additional information prior to permit denial.

Item 4 would remove the chemical compound Caprolactam (Cas No. 105602) from the list of "Hazardous air pollutants". This delisting was initiated by EPA in response to a petition filed by several chemical companies.

Item 5 would amend paragraph 22.101(1)"c" to specify that sources required to obtain a Title V operating permit include sources subject to 567-subrule 23.1(4) (emission standards for hazardous air pollutants for sources categories) and to clarify which sources must obtain Title V permits and what information must be included in the permit application for certain sources.

Item 6 would amend paragraph 22.101(2) to clarify that once the final promulgation of a federal standard occurs under the provisions of 40 CFR Part 60 or 63 to which the source is subject, the source must obtain a Title V permit. This item also would change the date of deferral for eligible sources from obtaining a Title V operating permit to December 9, 1999. Eligible sources are those listed in 22.101(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This item also would clarify that sources receiving a deferral under this rule shall submit Title V permit applications within 12 months of this date.

Item 7 would exempt from obtaining a Title V operating permit any decorative chromium electroplating operation or chromium anodizing operation that uses fume suppressants as an emission reduction technology; and any decorative chromium electroplating operation that uses a trivalent chromium bath that incorporates a wetting agent as a bath ingredient that are not by themselves major sources and that are not located at major sources, as defined under 40 CFR 70.2. This item also would exempt from obtaining a Title V operating permit any batch cold solvent cleaning machine as defined in 40 CFR 63 subpart T that is not itself a major source and that is not located at a major source. These exemptions are in response to EPA's action to permanently exempt certain sources from Title V permitting requirements.

Item 9 would amend subrule 22.105(2) to further specify the information that must be included in a Title V permit application for certain sources.

Item 10 would amend subrule 22.106(1) to clarify the basis for Title V permit fees.

Item 11 would establish a new rule 22.148, adopting by reference part of the Code of Federal Regulations allowing combustion or process sources which emit sulfur dioxide to elect to become affected units under the provisions of the Acid Rain Program.

Item 13 would amend subrule 22.201(2) to clarify the requirement for eligibility to obtain a voluntary operating permit and would change the eligibility date for some sources subject to this subrule. The new date to be included, December 9, 1999, will coincide with EPA's deferral date.

Items 14 and 15 would amend rules 22.202 and 22.203 to add an application shield for sources applying for voluntary operating permits. Item 14 also changes rule 22.203 to specifically require that an original of the application be submitted to the department.

Item 16 would change the date by which sources restricted by paragraphs 22.300(3)"b" and "c" may operate under the provisions of the permit by rule for small sources. The new date would be December 9, 1999, which coincides with EPA's deferral date.

Item 17 would amend paragraph 22.300(8)"a" to add an application shield for sources attempting to comply with the provisions of the operating permit by rule for small sources.

Item 18 would add municipal solid waste landfills (Subpart WWW) and emission guidelines and compliance times for municipal solid waste landfills (Subpart Cc) to the list of source categories affected by new source performance standards.

Item 19 would change the title to subrule 23.1(4) from "emission standards for hazardous air pollutants" to "emission standards for hazardous air pollutants for source categories" to clarify the purpose of the subrule. This amendment also would include all updates and changes to 40 CFR Part 63 through June 24, 1996.

Item 20 would add emission standards for hazardous air pollutants (NESHAP) for Group 1 Polymers and Resins.

Item 21 would add emission standards for marine tank vessel loading operations.

Item 22 would add emission standards for hazardous air pollutants (NESHAP) for off-site waste and recovery operations.

Item 23 would add emission standards for hazardous air pollutants (NESHAP) for the shipbuilding and ship repair (surface coating) operations.

Item 24 would add emission standards for hazardous air pollutants (NESHAP) from wood furniture manufacturing operations.

Item 25 would add emission standards for hazardous air pollutants (NESHAP) for the printing and publishing industry.

Item 26 would add emission standards for hazardous air pollutants (NESHAP) for Group IV Polymers and Resins.

The following changes have been made since this item was submitted for information: Item 3, revising subrule 22.2(1) to allow 60 rather than 30 days for an applicant to submit additional information prior to permit denial, has been added and the subsequent items have been renumbered. Former item 23, which would have updated the adoption by reference date references to the Code of Federal Regulations throughout chapters 20, 21, 22, 23, 25, and 29, has been deleted to allow time to prepare a more detailed explanation of the substantive changes which have occurred in the federal regulations. Emissions standards for hazardous air pollutants (NESHAPS) for off-site waste recovery operations, Group I Polymers and Resins, and Group IV Polymers and Resins have been added. The items have been renumbered to take these changes into account.

DEPARTMENT OF NATURAL RESOURCES [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 20, "Scope of Title-Definitions-Forms-Rules of Practice," Chapter 21, "Compliance," Chapter 22, "Controlling Pollution," Chapter 23, Emission Standards for Contaminants," Chapter 25, "Measurement of Emissions," and Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions," Iowa Administrative Code.

Item 1 would amend 567-subrule 22.1(2) to add the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) contained in 40 CFR Part 63 to the list of rules specifically applicable when determining whether a source is exempt from the requirement to obtain a construction permit.

Item 2 would amend paragraphs 22.1(2)"a" and "b" to clarify that the construction permit exemption applying to fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural gas or liquefied petroleum gas is limited to sources with a capacity of less than ten million BTU's per hour input *per combustion unit*.

Item 3 would revise subrule 22.2(1) to allow 60 rather than 30 days for an applicant to submit additional information prior to permit denial.

Item 4 would remove the chemical compound Caprolactam (Cas No. 105602) from the list of "Hazardous air pollutants". This delisting was initiated by EPA in response to a petition filed by several chemical companies.

Item 5 would amend paragraph 22.101(1)"c" to specify that sources required to obtain a Title V operating permit include sources subject to 567-subrule 23.1(4) (emission standards for hazardous air pollutants for sources categories) and to clarify which sources must obtain Title V permits and what information must be included in the permit application for certain sources.

Item 6 would amend paragraph 22.101(2) to clarify that once the final promulgation of a federal standard occurs under the provisions of 40 CFR Part 60 or 63 to which the source is

subject, the source must obtain a Title V permit. This item also would change the date of deferral for eligible sources from obtaining a Title V operating permit to December 9, 1999. Eligible sources are those listed in 22.101(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This item also would clarify that sources receiving a deferral under this rule shall submit Title V permit applications within 12 months of this date.

Item 7 would exempt from obtaining a Title V operating permit any decorative chromium electroplating operation or chromium anodizing operation that uses fume suppressants as an emission reduction technology; and any decorative chromium electroplating operation that uses a trivalent chromium bath that incorporates a wetting agent as a bath ingredient that are not by themselves major sources and that are not located at major sources, as defined under 40 CFR 70.2. This item also would exempt from obtaining a Title V operating permit any batch cold solvent cleaning machine as defined in 40 CFR 63 subpart T that is not itself a major source and that is not located at a major source. These exemptions are in response to EPA's action to permanently exempt certain sources from Title V permitting requirements.

Item 8 would amend paragraph 22.103(2)"d" to clarify that insignificant activities for purposes of Title V operating permit applications include fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural gas or liquefied petroleum gas only when the capacity of those sources is limited to less than ten million Btu per hour input *per combustion unit*, and fuel-burning equipment for indirect heating is included only when the capacity of those sources is limited to less than 1 million Btu per hour input *per combustion unit* when burning coal, untreated wood, or fuel oil.

Item 9 would amend subrule 22.105(2) to further specify the information that must be included in a Title V permit application for certain sources.

Item 10 would amend subrule 22.106(1) to clarify the basis for Title V permit fees.

Item 11 would establish a new rule 22.148, adopting by reference part of the Code of Federal Regulations allowing combustion or process sources which emit sulfur dioxide to elect to become affected units under the provisions of the Acid Rain Program. Item 12 would amend paragraph 22.201(1)"a" to clarify that in order to obtain a voluntary operating permit *all* the requirements contained in this subrule must be met.

Item 13 would amend subrule 22.201(2) to clarify the requirement for eligibility to obtain a voluntary operating permit and would change the eligibility date for some sources subject to this subrule. The new date to be included, December 9, 1999, will coincide with EPA's deferral date.

Items 14 and 15 would amend rules 22.202 and 22.203 to add an application shield for sources applying for voluntary operating permits. Item 14 also changes rule 22.203 to specifically require that an original of the application to submitted to the department.

Item 16 would change the date by which sources restricted by paragraphs 22.300(3)"b" and "c" may operate under the provisions of the permit by rule for small sources. The new date would be December 9, 1999, which coincides with EPA's deferral date.

Item 17 would amend paragraph 22.300(8)"a" to add an application shield for sources attempting to comply with the provisions of the operating permit by rule for small sources.

Item 18 would add municipal solid waste landfills (Subpart WWW) and emission guidelines and compliance times for municipal solid waste landfills (Subpart Cc) to the list of source categories affected by new source performance standards.

Item 19 would change the title to subrule 23.1(4) from "emission standards for hazardous air pollutants" to "emission standards for hazardous air pollutants for source categories" to clarify the purpose of the subrule. This amendment also would include all updates and changes to 40 CFR Part 63 through June 24, 1996. Updates include an amendment to the National Emission Standards for Hazard Air Pollutants (NESHAP) for Source Categories; Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Other Processes Subject to the Negotiated Regulation for Equipment Leaks. The rule would be revised to provide a deferral of HON (Hazardous Organic NESHAP) requirements for source owners or operators eligible to make an area source certification and to establish minimum documentation requirements. Revisions would include extending the compliance date for certain compressors and for surge control vessels and bottoms receivers to allow the time necessary for installation of controls. The applicability of control requirements for surge control vessels and bottoms receivers would be revised to reduce confusion over the rule. In addition, the SOCMI NESHAP would be amended to revise the date for submittal of those area source certifications and to clarify the wording of the documentation requirements. Additionally, these amendments would remove three compounds (glycerol tri-(polyoxypropylene) ether, polyethylene glycol, and polypropylene glycol) from the list of chemical production processes regulated by the HON.

Amendments to the NESHAP for Gasoline Distribution (Stage 1) would extend the initial compliance date for the equipment leak provisions applicable to existing sources and would extend the date by which an existing facility must provide an initial notification. The NESHAP for Shipbuilding and Ship Repair (Surface Coating) Operations would contain a revised compliance date for sources subject to this standard and a revised submittal date for implementation plans. Other corrections and clarifications in the regulatory text of the final rules would include the following NESHAP source categories: SOCMI, Halogenated Solvent Cleaning, Gasoline Distribution (Stage I), Hard and Decorative Chromium Anodizing Tanks, Petroleum Refineries, and Aerospace Manufacturing and Rework Facilities.

Item 20 would add emission standards for hazardous air pollutants (NESHAP) for Group I Polymers and Resins as new paragraph 23.2(4)"u." This rule applies to existing and new major sources that emit organic hazardous air pollutants during the manufacture of one or more elastomers including but not limited to butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon™, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polybutadiene rubber/styrene butadiene rubber by solution, polysulfide rubber, styrene butadiene rubber by emulsion, and styrene butadiene latex. By implementing this standard, there is the potential for reduction in Styrene, n-hexane, 1,3-butadiene, acrylonitrile, methyl chloride, hydrogen chloride, carbon tetrachloride, chloroprene, and toluene. Some of these pollutants are considered to be mutagens and carcinogens and all can cause reversible or irreversible toxic effects following exposure.

Item 21 would add emission standards for marine tank vessel loading operations. These standards require existing and new major sources to control hazardous air pollutants (HAP) emissions using maximum achievable control technology (MACT) as new paragraph 23.1(4)"y." Sources required to reduce emissions also are required to monitor the performance of the control technology used to achieve the required emissions reductions. Sources also are required to develop and implement an operation and maintenance plan that describes a program of corrective action for varying (i.e. exceeding baseline parameters) air pollution control equipment

and monitoring equipment. Compliance is assured through reporting and recordkeeping. These standards have been federally promulgated along with standards under section 183(f) of the Clean Air Act which require reasonably available control technology (RACT) to limit air emissions of volatile organic compounds (VOC). Iowa is not presently adopting the RACT standards or standards for the Valdez Marine Terminal (VMT). For this reason only the following are being excepted from adoption: § 63.560 (b), (e) (2), (3), and § 63.562 (c), (d).

Item 22 would add emission standards for hazardous air pollutants (NESHAP) for off-site waste and recovery operations as new paragraph 23.1(4)"ad." This rule applies to major sources of HAP emissions which receive certain wastes, used oil, and used solvent from off-site locations for storage, treatment, recovery, or disposal at the facility. Regulated entities include but are not limited to businesses that operate any of the following: hazardous waste treatment, storage, and disposal facilities; Resource Conservation and Recovery Act (RCRA) exempt hazardous wastewater treatment facilities other than publicly-owned treatment works; used solvent recovery plants; RCRA exempt hazardous waste recycling operations; used oil-refineries. The regulations also apply to federal agency facilities that operate any of the waste management or recovery operations.

Item 23 would add emission standards for hazardous air pollutants (NESHAP) for the shipbuilding and ship repair (surface coating) operations as new paragraph 23.1(4)"ai." These standards require all existing and new major sources to control emissions using the maximum achievable control technology (MACT) to control hazardous air pollutants (HAP). All existing and new shipbuilding and repair facilities located at major sources of HAP or located at plant sites that are major sources are subject to this regulation. Major source facilities must not apply any marine coating with a Volatile Hazardous Air Pollutant (VOHAP) content in excess of the applicable limit and must implement certain work practices.

Item 24 would add emission standards for hazardous air pollutants (NESHAP) from wood furniture manufacturing operations as new paragraph 23.1(4)"aj." These standards apply to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source. The standards include emission limits on hazardous air pollutants (HAP) contained in finishing materials, contact adhesives, and materials used for cleaning operations. The rule also includes work practice standards to reduce emissions from all sources of HAP emissions.

Item 25 would add emission standards for hazardous air pollutants (NESHAP) for the printing and publishing industry as new paragraph 23.1(4)"y." These standards apply to existing and new major sources and require the control of hazardous air pollutants (HAP) emissions using the maximum achievable control technology (MACT). The NESHAP includes organic HAP emission limits for publication rotogravure, product and packaging rotogravure, and wide-web flexographic printing.

Item 26 would add emission standards for hazardous air pollutants (NESHAP) for Group IV Polymers and Resins as new paragraph 23.1(4)"bj." This rule applies to existing and new plant sites that emit organic hazardous air pollutants. The organic HAP are emitted during the manufacture of one or more of the following Group IV polymers and resins: Acrylonitrile butadiene styrene resin (ABS), styrene acrylonitrile resin (SAN), methyl methacrylate acrylonitrile butadiene styrene resin (MABS), methyl methacrylate butadiene styrene resin (MBS), polystyrene resin, poly (ethylene terephthalate) resin (PET), and nitrile resin.

Any person may make written suggestions or comments on the proposed amendments on or before (date). Written comments should be directed to Anne Preziosi, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on (date) at (time) in (room) of the Wallace State Office Building, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as hearing or mobility impairments, should contact the Department of Natural Resources to advise the Department of any specific needs.

These amendments may impact small businesses.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

Item 1. Amend subrule 22.1(2) as follows:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or control equipment is necessary to comply with rule 22.4(455B), prevention of significant deterioration requirements; rule 22.5(455B), special requirements for nonattainment areas; 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); ~~or~~ 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAPS); or subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAPS), in which case a permit must be obtained. If equipment is permitted under the provisions of rule 22.8(455B), then no other exemptions shall apply to that equipment.

Item 2. Amend paragraph 22.1(2)"a" and the first sentence of paragraph 22.1(2)"b" as follows:

a. Fuel-burning equipment for indirect heating and reheating furnaces or cooling units using natural gas or liquefied petroleum gas with a capacity of less than ten million Btu per hour input per combustion unit.

b. Fuel-burning equipment for indirect heating or cooling with a capacity of less than one million Btu per hour input per combustion unit when burning coal, untreated wood or fuel oil.

Item 3. Amend subrule 22.2(1) as follows:

22.2(1) Incomplete applications. The department will notify the applicant whether the application is complete or incomplete. If the application is found by the department to be incomplete upon receipt, the applicant will be notified within 30 days of that fact and of the specific deficiencies. ~~Thirty~~ Sixty days following such notification, the application may be denied for lack of information. When this schedule would cause undue hardship to an applicant, or the applicant has a compelling need to proceed promptly with the proposed installation, modification or location, a request for priority consideration and the justification therefor shall be submitted to the department.

Item 4. Amend 567 --22.100(455B), Definitions for Title V operating permits, by removing "105602 Caprolactam" from the chemicals listed in the definition of "Hazardous air pollutant."

Item 5. Amend paragraph 22.101(1)"c" as follows:

c. Any source subject to a standard or other requirement under 567—subrule 23.1(2) (standards of performance for new stationary sources) or section 111 of the Act; or 567—subrule 23.1(3) (emissions standards for hazardous air pollutants), 567-subrule 23.1(4) (emission standards for hazardous air pollutants for sources categories) or section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to the provisions of section 112(r) of the Act; Any source required to obtain a Title V operating permit solely because of the requirement imposed by this paragraph, and which is not a major source, is required to obtain a Title V permit only for the emissions units and related equipment causing the source to be subject to the Title V program;

Item 6. Amend subrule 567 -- 22.101(2) as follows:

22.101(2) Title V deferred stationary sources. The requirement to obtain a Title V permit is deferred for all sources listed in 22.101(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act, until five years from the effective date of these rules December 9, 1999, or until the final promulgation and subsequent adoption by this department of a federal standard to which the source is subject under the provisions of 40 CFR Part 60 or 40 CFR Part 63, whichever is earlier. Each source receiving a deferral under the provisions of this rule shall submit a Title V permit application to the department within 12 months of the date when the requirement to obtain a Title V permit is no longer deferred for that source.

Item 7. Add the following new subrules 22.102 (3) and (4):

22.102(3) Any decorative chromium electroplating operation or chromium anodizing operation using fume suppressants as an emission reduction technology; and any decorative chromium electroplating operation using a trivalent chromium bath incorporating a wetting agent as a bath ingredient if the source is not by itself a major source and is not located at a major source, as defined under 40 CFR 70.2.

22.102(4) Any batch cold solvent cleaning machine as defined in 40 CFR 63 Subpart T that is not itself a major source and that is not located at a major source as defined under 40 CFR 70.2.

Item 8. Amend subparagraphs 22.103(2)"d"(1) and (2) as follows:

d. The following are insignificant if not needed to determine the applicability of or to impose any applicable requirement.

(1) Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than 10 million Btu per hour input per combustion unit.

(2) Fuel-burning equipment for indirect heating with a capacity of less than 1 million Btu per hour input per combustion unit when burning coal, untreated wood, or fuel oil.

Item 9. Amend the introductory paragraph of subrule 22.105(2) as follows:

22.105(2) Standard application form and required information. To apply for a Title V permit, applicants shall complete the "Standard Permit Application Form" and supply all information required by the "filing instructions." The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule 22.106(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraph 22.101(1)"c", then the information provided in the operating permit application may affect only the emissions units that trigger Title V applicability. The applicant shall submit the information

called for by the application form for each emissions unit to be permitted, except for activities which are insignificant according to the provisions of rule 22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity. Nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

Item 10. Amend subrule 22.106(1) as follows:

2.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$24 per ton without adopting the change pursuant to formal rulemaking.

Item 11. Amend 567--Chapter 22 by adding a new rule as follows:

567--22.148 **Sulfur Dioxide Opt-Ins.** The Department adopts by reference the provisions of 40 CFR Part 74 - Acid Rain Opt-Ins, as amended through April 4, 1995.

Item 12. Amend paragraph 22.201(1)"a" by adding the word "and" at the end of the paragraph, as follows:

a. That the potential to emit, as limited by the conditions of air quality permits obtained from the department, of each regulated air pollutant shall be limited to less than 100 tons per 12-month rolling period. The fugitive emissions of each regulated air pollutant from a stationary source shall not be considered in determining the potential to emit unless the source belongs to one of the stationary source categories listed in this chapter; and

Item 13. Amend paragraph 22.201(2)"b" as follows:

b. Sources which are not major sources but subject to a standard or other requirement under 567—subrule 23.1(2) (standards of performance for new stationary sources) or section 111 of the Act; ~~or~~ 567—subrule 23.1(3) (emissions standards for hazardous air pollutants), 567--subrule 23.1(4) (emissions standards for hazardous air pollutants for source categories) or section 112 of the Act are eligible for a voluntary operating permit only until ~~five years from April 20, 1994~~ December 9, 1999 or until the final promulgation and subsequent adoption by this department of a federal standard to which the source is subject under 40 CFR Part 60 or 40 CFR Part 63, whichever is earlier. These sources shall be required to obtain a Title V operating permit when the deferment period specified in 567— subrule 22.101(2) has expired or as required by a standard promulgated under 40 CFR Part 60 or 63.

Item 14. Amend rule 22.202 as follows:

567--22.202(455B) Requirement to have a Title V permit. No source may operate after the time that it is required to submit a timely and complete application for an operating permit,

except in compliance with a properly issued Title V operating permit or a properly issued voluntary operating permit or operating permit by rule for small sources. However, if a source submits a timely and complete application for permit issuance (including renewal), the source's failure to have a permit is not a violation of this chapter until the director takes final action on the permit application, except as noted in this rule. In that case, all terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied. This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the director, any additional information identified as being needed to process the application.

Item 15. Amend the first paragraph of subrule 22.203(1) as follows:

567—22.203(455B) Voluntary operating permit applications.

22.203(1) Duty to apply. Any source which would qualify for a voluntary operating permit and which would not qualify under the provisions of rule 22.300, Operating permit by rule for small sources, must apply for either a voluntary operating permit or a Title V operating permit. Any source determined not to be eligible for a voluntary operating permit shall be subject to enforcement action for operation without a Title V operating permit, except as provided for in rule 22.202 and rule 22.300. For each source applying for a voluntary operating permit, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, at least two copies an original and one copy of a timely and complete permit application in accordance with this rule.

Item 16. Amend paragraphs 22.300(3)"b" and "c" as follows:

b. Sources which meet the registration criteria established in 22.300(2) "a" and meet all applicable requirements of rule 22.300(455B), and are subject to a standard or other requirement under 567---subrule 23.1(2) (standards of performance for new stationary sources) or Section 111 of the Act are eligible for an operation permit by rule for small sources only until ~~five years from April 20, 1994~~ December 9, 1999. These sources shall be required to obtain a Title V operating permit when the deferment period specified in subrule 22.101(2) has expired. Sources subject to standards contained in Sections 111 or 112 of the Act shall not be eligible to obtain a voluntary operating permit unless they also are exempted from Title V by rule 22.102.

c. Sources which meet the registration criteria established in 22.300(2)"a" and meet all applicable requirements of rule 22.300(455B), and are subject to a standard or other requirement under 567---subrule 23.1(3) (emissions standards for hazardous air pollutants), 567--subrule 23.1(4) (emissions standards for hazardous air pollutants for source categories) or Section 112 of the Act are eligible for an operating permit by rule for small sources only until ~~five years from April 20, 1994~~ December 9, 1999, or until the final promulgation of a federal standard under 40 CFR Part 60 or 40 CFR Part 63 to which the source is subject, whichever is earlier. These sources shall be required to obtain a Title V or voluntary operating permit when the deferment period specified in subrule 22.101(2) has expired or no longer applies.

Item 17. Amend paragraph 567--22.300(8)"a" as follows:

22.300(8) Registration and reporting requirements.

a. Duty to apply. Any person who owns or operates a source otherwise required to obtain a Title V operating permit and which would be eligible for an operating permit by rule for small sources must either register for an operating permit by rule for small sources, apply for a voluntary operating permit, or apply for a Title V operating permit. Any source determined not

to be eligible for an operating permit by rule for small sources, and operating without a valid Title V or a valid voluntary operating permit, shall be subject to enforcement action for operation without a Title V operating permit: except as provided for in the application shield provisions contained in rules 22.104 and 22.202. For each source registering for an operating permit by rule for small sources, the owner or operator or designated representative, where applicable, shall present or mail to the Air Quality Bureau, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, one original and one copy of a timely and complete registration form in accordance with this rule.

Item 18. Amend subrule 567--23.1(2) by adding the following new paragraphs:

rrr. Municipal Solid Waste Landfills, as defined by 40 CFR 60.75(1). Each municipal solid waste landfill that commenced construction, reconstruction or modification or began accepting waste on or after May 30, 1991, must comply. (Subpart WWW).

sss. Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. Each existing municipal solid waste landfill for which construction, reconstruction or modification was commenced before May 30, 1991, must comply. (Subpart Cc).

Item 19. Amend the introductory paragraph of subrule 23.1(4) as follows:

567—23.1(4) Emission standards for hazardous air pollutants for source categories. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through ~~March 8, 1995~~ June 24, 1996, are adopted by reference, except 40 CFR §§63.12, 63.14, 63.15, 63.560 (b), (e) (2), (3), and 63.562 (c), (d), and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (F_{bio}) in a biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purpose of this subrule “Hazardous air pollutant” has the same meaning found in 567---22.100(455B). For the purposes of this subrule a “major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an “area source” means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)”a,” general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

Item 20. Add the following new paragraph 23.1 (4) “u”:

u. Emission standards for hazardous air pollutants: Group I Polymers and Resins. Applicable to existing and new major sources that emit organic HAP during the manufacture of one or more elastomers including but not limited to producers of butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon™, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polybutadiene rubber/styrene butadiene rubber by solution,

polysulfide rubber, styrene butadiene rubber by emulsion, and styrene butadiene latex. MACT is required for major sources. (Subpart U)

Item 21. Add the following new paragraph 23.1(4) “y”:

y. Emission standards for marine tank vessel loading operations. This standard requires existing and new major sources to control emissions using maximum achievable control technology (MACT) to control hazardous air pollutants (HAP).

(Subpart Y)

Item 22. Add the following new paragraph 23.1 (4) “ad”:

ad. Emission standards for hazardous air pollutants for off-site waste and recovery operations. This rule applies to major sources of HAP emissions which receive certain wastes, used oil, and used solvents from off-site locations for storage, treatment, recovery, or disposal at the facility. Maximum achievable control technology (MACT) is required to reduce HAP emissions from tanks, surface impoundments, containers, oil-water separators, individual drain systems and other material conveyance systems, process vents, and equipment leaks. Regulated entities include but are not limited to businesses that operate any of the following: hazardous waste treatment, storage, and disposal facilities; Resource Conservation and Recovery Act (RCRA) exempt hazardous wastewater treatment facilities other than publicly-owned treatment works; used solvent recovery plants; RCRA exempt hazardous waste recycling operations; used oil-re-refineries. The regulations also apply to federal agency facilities that operate any of the waste management or recovery operations. (Subpart DD)

Item 23. Add the following new paragraph 23.1(4) “ai”:

ai. Emission standards for hazardous air pollutants for shipbuilding and ship repair (surface coating) operations. Requires existing and new major sources to control hazardous air pollutant (HAP) emissions using the maximum achievable control technology (MACT). (Subpart II)

Item 24. Add the following new paragraph 23.1(4) “aj”:

aj. Emission standards for hazardous air pollutants for hazardous air pollutant (HAP) emissions from wood furniture manufacturing operations. These standards apply to each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source. (Subpart JJ)

Item 25. Add the following new paragraph 23.1 (4) “ak”:

ak. Emission standards for hazardous air pollutants for the printing and publishing industry. Existing and new major sources are required to control hazardous air pollutants (HAP) using the maximum achievable control technology (MACT). Affected units are publication rotogravure, product and packaging rotogravure, and wide-web flexographic printing. (Subpart KK) ITEM

Item 26. Add the following new paragraph 23.1 (4) “bj”:

bj. Emission standards for hazardous air pollutants: Group IV Polymers and Resins. Applicable to existing and new major sources that emit organic HAP during the manufacture of the following polymers and resins: acrylonitrile butadiene styrene resin (ABS), styrene acrylonitrile resin (SAN), methyl methacrylate acrylonitrile butadiene styrene resin (MABS), methyl methacrylate butadiene styrene resin (MBS), polystyrene resin, poly (ethylene terephthalate) resin (PET), and nitrile resin. MACT is required for major sources. (Subpart JJJ)

Mr. Stokes gave a detailed explanation of the rules noting that they are different from last month's version. He indicated that the rules basically delete some substances from the definition of hazardous air pollutants. He related that the updates to Code sites were removed and will be brought back under separate cover at a later date.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapters 20, 21, 23, 25, & 29, Air Quality Rule Revisions. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTER 22, REVISIONS TO OPERATING PERMIT BY RULE FOR SMALL SOURCES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached final rules which amend Chapter 22, "Controlling Pollution," 567 Iowa Administrative Code. The Department made a commitment to the Legislative Rules Review Committee to meet with a select group of representatives of small businesses to discuss changes to the "Operating permit by rule for small sources" (also known as the "50%" rule) as proposed by the Assistant Ombudsman for Small Business Air Quality Affairs, and to develop changes to the rules as appropriate. This proposed rule-making is the result of that meeting.

The purpose of this rule-making is to amend the "Operating permit by rule for small source," 567 IAC 22.300 et seq. This amendment clarifies the record-keeping requirements for de minimis sources by establishing that record-keeping for the annual log will begin on the date the small source operating permit is submitted, and will continue on an annual basis, thereafter based on a calendar year.

This amendment provides an additional 31 days for sources applying for the permit by extending the application deadline from July 1, 1996 to August 1, 1996. In the written application/registration instructions, the Department has already extended this deadline. This amendment also clarifies that new sources have 12 months from the date they become subject to the Title V requirements to obtain an operating permit by rule for small sources.

The requirement to list the two digit Standard Industrial Classification Code, in the permit registration/application form, is deleted. The forms do not currently require that information.

A public hearing was held September 13, 1996. One written comment in support of adoption of the amendments was received and is included with the attached Public Participation and Responsiveness Summary.

No changes to the rule have been made since Notice of Intended Action was published.

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

These amendments modify the rules establishing the "operating permit by rule for small sources." The Department made a commitment to the Administrative Rules Review Committee to meet with a select group of representatives of small businesses to discuss changes to the "operating permit by rule for small sources" (also known as the "50% rule") as proposed by the Assistant Ombudsman for Small Business Air Quality Affairs, and develop changes to the rules as indicated. This proposed rule making is the result of that meeting.

The purpose of this rule making is to amend the "operating permit by rule for small sources." This amendment clarifies the recordkeeping requirements for de minimus sources by establishing that record keeping for the annual log will begin on the date the small source operating permit is submitted and will continue on an annual basis thereafter based on a calendar year.

These amendments provide an additional 31 days for sources applying for the permit by extending the application deadline from July 1, 1996, to August 1, 1996. In its written application/registration instructions, the Department has already extended this deadline. These amendments also clarify that new sources have 12 months from the date they become subject to the Title V requirements to obtain an operating permit by rule for small sources.

The requirement to list the two-digit Standard Industrial Classification Code in the permit registration/application form is deleted. The forms do not currently require that information.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 14, 1996, as ARC 6643A. No oral and one written comment was received. No changes have been made to the rule.

These amendments may impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are adopted.

ITEM 1. Amend subparagraph 22.300(4)"b"(1) as follows:

(1) De minimus sources shall maintain an annual log of each raw material used and its amount, and each product produced and its production rate. The annual log and all related material safety data sheets (MSDS) for all materials shall be maintained for a period of not less than five years. The annual log will begin on the date the small source operating permit is submitted, then on an annual basis, based on a calendar year.

ITEM 2. Amend subparagraph 22.300(8)"a"(1) as follows:

(1) Timely registration. Each source registering for an operating permit by rule for small sources shall submit a registration form:

1. By ~~July 1, 1996~~, August 1, 1996, if the source ~~is applying for an operating permit by rule for small sources for the first time became subject to rule 22.101(455B) (the requirement to obtain a Title V operating permit) before August 1, 1995, unless otherwise required to obtain a Title V permit under rule 22.101(455B);~~

2. Within 12 months of becoming subject to rule 22.101(455B) ~~(the requirement to obtain a Title V operating permit)~~ for a new source or a source which would otherwise become subject to the Title V permit requirement, ~~after June 12, 1996 if the source became subject to the rule on or after August 1, 1995.~~

ITEM 3. Amend subparagraph 22.300(8)"b"(2) as follows:

(2) A description of source processes and products ~~(by two digit Standard Industrial Classification Code);~~

Date

Larry J. Wilson, Director

PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY FOR

567 Iowa Administrative Code chapter 22, Operating Permit by Rule For Small Sources

INTRODUCTION

On July 15, 1996, the Environmental Protection Commission approved and noticed for public comment proposed amendments to the Operating Permit by Rule for Small Sources. The Notice of Intended Action was published in the Iowa Administrative Bulletin on August 14, 1996, as ARC 6643A. A Public hearing was held on September 13, 1996, and written comments were accepted by the Department through September 13, 1996. These amendments clarify the record-keeping requirements for de minimus sources by establishing that record-keeping for the annual log will begin on the date the small source operating permit is submitted, and will continue on an annual basis, thereafter based on a calendar year. These amendments also provide an additional 31 days for sources applying for the permit by extending the application deadline from July 1, 1996 to August 1, 1996. In the written application/registration instructions, the Department has already extended this deadline. These amendments also clarifies that new sources have 12 months from the date they become subject to the Title V requirements to obtain an operating permit by rule for small sources. Additionally, the requirement to list the two digit Standard Industrial Classification Code, in the permit registration/application form, is deleted. The forms do not currently require that information.

COMMENTS

Iowa Air Emissions Assistance Program

The language for the revision of the rules were reviewed, and found to be adequate. The proposed changes will make the requirements clearer and eliminate some confusion.

Response

IDNR appreciates the thorough review made by IEAP.

Action

None

Iowa Air Emissions Assistance Program

We believe that the record keeping requirements for the Operating Permit by Rule are more elaborate and extensive than that of the Voluntary Operating Permit.

Response

IDNR agrees and has agreed to review and consider for adoption the recommendations of IEAP and the Air Quality Workgroup.

Action

None

Mr. Stokes briefly reviewed the rules.

Motion was made by Rita Venner to approve Final Rule--Chapter 22, Revisions to Operating Permit by Rule for Small Sources. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 100 AND 102, SPECIAL WASTE AUTHORIZATIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action on Chapter 100 and 102 to revise the Special Waste Authorization requirements by deleting the allowance for toxic and hazardous waste disposal in a landfill and to define Special Waste and establish requirements for when a Special Waste Authorization is needed.

**Environmental Protection Commission [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.304.18, the Environmental Protection Commission hereby gives Notice of Intended Action to adopt amendments to Chapter 100, "Scope of Title--Definitions--Forms--Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code.

These proposed amendments will delete the out dated special waste authorization requirements presently in the rules and add new requirements.

Any interested person may make written suggestions or comments on the proposed amendments on or before _____, 1996. Written comments should be directed to Lavoy Haage, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, fax (515)281-8895.

A public hearing will be held on _____, 1996, at _____ in the _____ Conference Room, Wallace State Office Building, Des Moines, Iowa, at which time comments may be presented orally or submitted in writing.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of special needs.

These amendments are intended to implement Iowa Code section 455B._____.

The following amendments are proposed.

ITEM 1. Amend rule 567--100.2(455B, 455D) by deleting the definitions of "Industrial sludge" and "Toxic and hazardous wastes" and adding the following new definitions:

"Industrial process wastes" means waste that is generated as a result of manufacturing activities, product processing or commercial activities. It does not include office waste, cafeteria waste, or other types that are not the direct result of production processes.

"Pollution control waste" means any solid waste residue extracted by, or resulting from the operation of pollution control equipment.

"Special wastes" means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous waste which are regulated under the Federal Resource Conservation and Recovery Act (RCRA), hazardous waste as defined in Iowa Code section 455B.411, subsection 3, or hazardous wastes included in the list compiled in accordance with Iowa Code section 455B.464.

"Toxic wastes" means materials containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport and disposal of the wastes.

Item 2. Rescind subrule 100.3(2) in its entirety.

Item 3. Amend subrule 102.15(2) by striking all except paragraph "d" (which shall be relettered as paragraph "g") and replacing it with the following new language:

102.15(2) Special waste authorization required.

a. No special wastes shall be delivered to or accepted by a sanitary disposal project unless authorized by a special waste authorization (SWA) issued by the department. Wastes for which an SWA has been issued shall be disposed in accordance with the instructions, conditions and limitations contained in the SWA. Certain infectious wastes may be disposed of without an SWA if they meet the requirements of paragraph "g" of this subrule.

b. Application for a special waste authorization shall be made by submitting the form "Request for Special Waste Authorization" accompanied by supporting data as required by the department.

c. The application for a special waste authorization shall include the following information: chemical composition of the waste; physical form of the waste; volume of the waste to be disposed; and any other information required by the department.

d. Applicants are responsible for providing information, including toxicity characteristic leachate procedure (TCLP) test results, when appropriate, showing that none of the federal limits listed herein are exceeded.

Arsenic	5.0 mg/l
Barium	100.0 mg/l
Benzene	0.5 mg/l
Cadmium	1.0 mg/l
Carbon Tetrachloride	0.5 mg/l
Chlordane	0.03 mg/l
Chlorobenzene	100.0 mg/l
Chloroform	6.0 mg/l
Chromium	5.0 mg/l
o-Cresol	200.0 mg/l
m-Cresol	200.0 mg/l
p-Cresol	200.0 mg/l
Cresol	200.0 mg/l
2, 4-D	10.0 mg/l
1, 4 Dichlorobenzene	7.5 mg/l
1, 2 Dichlorethane	0.5 mg/l
1, 1 Dichlorethylene	0.7 mg/l
2, 4 Dinitrotoluene	0.13 mg/l
Endrin	0.02 mg/l
Heptachlor (and its Hydroxide)	0.008 mg/l
Hexachlorobenzene	0.13 mg/l
Hexachloro-1, 3-butadiene	0.5 mg/l
Hexachloroethane	3.0 mg/l
Lead	5.0 mg/l
Lindane	0.4 mg/l
Mercury	0.2 mg/l
Methoxychlor	10.0 mg/l
Methly ethyl ketone	200.0 mg/l
Nitrobenzene	2.0 mg/l
Pentachlorophenol	100.0 mg/l

Pyridine	5.0 mg/l
Selenium	1.0 mg/l
Silver	5.0 mg/l
Tetrachloroethylene	0.7 mg/l
Toxaphene	0.5 mg/l
Trichloroethylene	0.5 mg/l
2, 4, 5-Trichlorophenol	400.0 mg/l
2, 4, 6-Trichlorophenol	2.0 mg/l
2, 4, 5-TP (Silvex)	1.0 mg/l
Vinyl Chloride	0.2 mg/l

- e. The waste must contain no free liquids as determined by the paint filter liquids test.
- f. The waste must not be a listed hazardous waste or meet the criteria for characteristic hazardous waste pursuant to the Federal Resource Conservation and Recovery Act (RCRA).

~~d.~~ g. Infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with regular municipal solid waste and not handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are shredded, blunted, granulated, incinerated or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the sanitary landfill that infectious waste is being placed with regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this subrule.

- h. Applications with supporting documentation should be sent to:

Special Waste Authorizations
Solid Waste Section
Department of Natural Resources
Henry A. Wallace Bldg.
900 East Grand Ave.
Des Moines, IA 50319

- i. Wastes with PCB concentrations equal to or greater than 50 ppm will not be authorized for disposal at a landfill.

j. Polynuclear aromatic hydrocarbon (PAH) contaminated soil will not be authorized for disposal at a landfill if the total PAH level exceeds 500 ppm for the following compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorine, Indeno(1,2,3-cd)Pyrene, Napthalene, Phenanthrene, and Pyrene or if the total carcinogenic PAH level exceeds 100 ppm for the following compounds: Benzo(a)Anthracene, Benzo(b)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Flouranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene, Phenanthrene and Pyrene, or if the cyanide level exceeds 1,000 ppm.

- j. Special waste authorizations may be issued for a period not to exceed three years.

k. The department may revoke an SWA for cause at any time. Such cause may include, but is not limited to, evidence that indicates the quantity or quality of the waste varies from the authorized values; evidence that the continued disposal of the waste as authorized may pose a threat to the public health or the environment, or failure to comply with any condition in the SWA.

l. The department must be notified within thirty days of any change in the quantity or quality of the wastes being disposed.

m. The holder of an SWA must apply for a desired renewal at least 30 days prior to the expiration of the SWA.

n. The issuance of an SWA does not obligate any waste disposal facility to accept the wastes nor does it preclude them from imposing conditions or restrictions other than those listed in the SWA.

o. The issuance of an SWA does not exempt the person disposing of the waste from any local, state or federal laws or regulations.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed details of the rules.

Motion was made by Terrance Townsend to approve Notice of Intended Action--Chapter 100 and 102, Special Waste Authorizations. Seconded by Charlotter Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. City of Lenox - wastewater (Tabled)
- b. Orville Long (Des Moines) - penalty collection

City of Lenox

Mr. Murphy reminded the Commission that this referral was previously tabled and needs to be removed from the table.

Motion was made by Terrance Townsend to remove the City of Lenox referral from the table. Seconded by Charlotte Mohr. Motion carried unanimously.

Mr. Murphy reviewed that this matter was brought before the Commission in April based on ongoing discharge violations at the city's public treatment works. He noted that historically there have been compliance problems at this facility, adding that an Administrative Order was issued in 1977, and there were district court orders in 1978, 1986 and 1992. He related that during 1993 and 1994 the city experienced some relatively infrequent and minor problems. In 1995, the violations became more frequent and were not so minor. The matter was then brought to the Commission in April 1996 for referral, and staff tried to enter into a consent decree to get it resolved. Mr. Murphy mentioned that after the last court order new limits were established for ammonia nitrogen, and typically, for those types of violations cities were given a period of time to take care of it. He reviewed that when this matter was previously brought to the Commission, the city appeared and noted that they retained an engineer and proposed to make some adjustments in their facilities, at which time they asked for additional time to study the impacts of those adjustments. Mr. Murphy related that staff resisted that as it was going to be a long term process and the Commission then decided to table the matter for six months to see what was accomplished in that period. He noted that violations have persisted in three of five months and staff are concerned as to whether the city is firmly committed to implementing the necessary improvements in the scheduled time.

Discussion took place on how the city is exceeding the BOD limits.

Appointment - Ralph Zabel

Ralph Zabel, Mayor of Lenox, introduced other city officials in attendance with him and noted that Russ Stammer will address the issue.

Russ Stammer, H.R. Green Company, stated that his company was retained last spring to review the work at Lenox and help the city develop a plan to meet the DNR's requirements. He related that his perspective on the situation of Lenox was that there are not enough facilities there to comply with the department's permit as the system is underdesigned. He noted that with the help of People's Service, the city's operation staff, they ran some additional tests to determine the nature of the waste breakdown. The original design basis of the existing facilities are designed to supply 7,200/day oxygen and that is the limit that can be applied to the wastes for any continuous nonstop operation. He related that is based on the 5-day test that is used to measure plants' performance and multiplying it by 1.1. Mr. Stammer related that the norm for

most systems is to use a factor of 1.5 and that is what the department requires to do without any additional testing. He noted that the department staff challenged the city on that number and the designer persisted with the 1.1, therefore the permit for this facility was approved with a waiver from the department. He indicated that design was allowed on somewhat of a contingent basis. He added that the original designers have maintained that this is an adequate number. Mr. Stammer stated that there was another study done which led up to the six month trial of an anerobic lagoon and that consultant had recommended a brand new system at a cost of 1.2 million dollars. He related that not many cities have the resources for that type of system. He noted that his firm investigated the numbers and after Peoples Service ran some tests the number he came up with is somewhere between 2.5 to 3.0, and that the city would need 450 horse power to do that. The resulting costs would be three times as much as current costs to do this. He related that the 450 h.p. would be unrealistic because the city does not have the resources to pay the bill. Mr. Stammer related that he looked at some other processes that are more appropriate and the anerobic lagoon trial appears to have a lot of promise, adding that with the aerators shut off the top material has built up to three inches, thus, improving the odors and removing a large amount of the BOD. He indicated that they are on the track of having an appropriate system that is affordable and achievable for Lenox. He related that plans are to irrigate the wastewater rather than treat and discharge it, which is the key to the whole thing. He noted that the city is operating the facilities to the best of their ability without some major construction. Mr. Stammer stated that he is recommending additional aeration equipment and the city's proposed schedule allows for a full construction season in 1997.

A lengthy discussion followed regarding the schedule and time frame for the city to come into compliance; the city negotiating to purchase nearby land; an irrigation demonstration this fall; facility improvements; permit limits; penalties and negotiations for a consent decree.

Closed Session

Motion was made by Rita Venner to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Kathryn Murphy. Roll call vote was taken and carried unanimously with "Aye" votes cast by Commissioners Murphy, Townsend, Venner, McWilliams, Mohr, and King.

Motion was made by Charlotte Mohr to adjourn the closed session and return to open session. Seconded by Terrance Townsend. Motion carried unanimously

Open Session

Chairperson King announced that penalties and the compliance schedule were discussed but no action was taken during closed session.

Motion was made by Dean McWilliams to table the City of Lenox referral for 60 days to allow staff to work out terms for a consent Administrative Order in regard to stipulated penalties for effluent violations and for failure to meet major milestones on their plan of action. Seconded by Charlotte Mohr. Motion carried unanimously.

TABLED FOR 60 DAYS

Orville Long

Mr. Murphy briefed the Commission on the history of this case involving open dumping of solid waste near the Des Moines river south of Runnells. He reported that Mr. Long has done the required cleanup and did not appeal the Administrative Order. He related that staff are working out a compromise with Mr. Long, so he would ask that the referral be tabled for 30 days to complete a consent decree.

Motion was made by Charlotte Mohr to table the Orville Long referral for 30 days as requested by staff. Seconded by Dean McWilliams. Motion carried unanimously.

TABLED FOR 30 DAYS

PROPOSED CONTESTED CASE DECISION--HOME ASBESTOS AND LEAD ABATEMENT SERVICES, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On December 17, 1993, the department issued Administrative Order No. 93-AQ-44 to Home Asbestos & Lead Abatement Services, Inc. That action required the company to cease illegal removal and disposal of asbestos materials, and to pay an administrative penalty of \$2,000.00. That action was appealed by Home Asbestos, and the matter proceeded to administrative hearing on July 26, 1996. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on August 23, 1996. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

COMPLIANCE AND PERMIT ASSISTANCE TEAM ACTIVITY REPORT

Kathy Clasen, Business Liaison, Compliance and Permit Assistance Team, presented the following item.

An ag processing company has built a new plant and are ready to gear up for full production. The problem is that their waste stream has a high solids content which when sent through the city wastewater treatment plant will put that plant in violation of their permit. The city is in the process of building a new treatment plant, but will not be on line for 9 to 12 months. The company has a biological pretreatment plant on their site with 4 lagoons. Their challenge is to get the plant up to full production and their biological lagoons operating at high efficiency while at the same time finding an outlet for their excess solids during this 9 to 12 month period. They have applied for a land application permit which will help, but their problem is the winter months when they will not be able to land apply.. Their lagoons will need to be pumped down every two weeks, and once their plant and their lagoons are working in harmony, it will not be possible for them to shut down the plant periodically without adversely effecting their biological lagoon pre-treatment system. They and the city have asked for a variance for the city from DNR to allow them to release a higher level of solids into the river. The company has also been referred to several financial assistance programs including VAAPPFAP from DED as well as the WRAP program from WMAD that may help them with their efforts to reduce solids at the pre-treatment site.

An ag milling company which until 9 months ago was also running an ethanol plant and using their wheat wastes in its production closed down the ethanol plant when corn prices went up and began to land apply their wastes. The applicator company they hired violated the land application agreement several times by applying too close to a residence and by filling a holding pond on a farm which subsequently leaked into a neighbor's creek. The company is now attempting to refurbish their ethanol production plant to enable them to produce a higher quality ethanol which would again make it profitable. They applied to DED for a Value Added Ag Products & Processes Financial Assistance loan in order to purchase the new equipment, but needed to resolve their problems with DNR in order to qualify for this other state program. DNR issued an Administrative Order and a fine to both the company and the applicator. Worked with staff to move this through the system in a timely manner which allowed the company to meet their timeline for application for financial assistance for their ethanol plant..

A large manufacturing company is building an additional paint booth. The company has voiced concern that they should not have to test this booth for emissions since it is exactly like the two they built previously, and they have good data on both of those. Worked with the company owner and his consultant. Arranged a conference call with staff and these reps. Air Bureau us taking a look at the issue to see if a compromise is possible.

An animal feed and human health products manufacturer is building a new facility and needed some clarification on their permit needs and an OK to begin construction so that they can get the footings in this fall to stay on their construction schedule. Worked with staff to clarify permit needs so the company could move forward.

Worked with a company which owns an EPA cleanup site. The company would like for DNR to assume oversight of the site. DNR staff are working on the issue. If we agree, the company would pay to DNR the annual fee that they now pay to EPA to oversee the site.

A composting company is in the process of attempting to move to a landfill site which would alleviate the odor problems they have had at their present site. EPD land bureau is in the process of issuing some orders to the company, attempting to keep their odors under control. Working with EPD and with WMAD which has previously awarded a grant to the company. Hoping to arrange some kind of a compromise that will allow the company to move this business to a more suitable site.

Worked with IDED and the Governor's Office, on a continuous opacity monitoring question with a manufacturing company. Several meetings and a clarification from EPD cleared up their questions.

Working with several engineering firms, consultants, and others with questions or problems: air construction permits, water enhancement projects, brownfields legislation, and problems with records. One contact said that Iowa was ruled out for their planned expansion on the basis of the problems they had experienced with their air permits.

Met with ABI, staff, Iowa Utilities and others to discuss and clarify the specifics of the Title V budget as well as the budget process in general.

Met with staff and constituency group regarding 112r legislation risk management plans for hazardous wastes.

Met with Iowa's Quality Coordinators to discuss cultural change. Attended the Iowa Excellence Forum.

Spoke to the ABI Environmental Conference. Met with 10 to 15 company representatives after the conference to discuss general concerns. Continue to follow-up on specific concerns.

Periodically visit the UNI Iowa Waste Reduction Center at University of Northern Iowa to improve working relationships between UNI and the Department. Attend quarterly meetings with Iowa Environmental Assistance representatives from UNI.

Meet periodically with DNR Waste Reduction Assistance Program senior engineers; working on mutual projects and building rapport between the WRAP team and EPD.

Attended two public meetings with EPA officials, staff and the business and environmental communities.

Meet on a bi-weekly basis with DED, Utilities, Associations, Ombudsman's office, etc. to listen to problems and suggestions and to open lines of communication. Serve as a conduit for discussions between EPD staff and constituency groups. Assisted with language for "fact sheets" on construction permit process.

Serve on Central Iowa Manufacturing Initiative Committee....exploring environmental issues of manufacturers.

Attend weekly EPD staff meetings, attend bi-monthly Air Bureau staff meetings, and periodically attend other division staff meetings as possible. Systematically meeting and speaking with all DNR Divisions.

Attend monthly Environmental Protection Committee meetings, meet informally with commission members to discuss issues.

Participate in Director's outreach meetings across the state.

Meet on a quarterly basis with Director's Advisory Groups on Business, Ag and Utilities.

Participant in DED and ABI business recognition programs. Wrote newsletter article for "Iowa Commerce," ABI's monthly publication. Looking for more such opportunities.

Visited the John Deere Moline plant with Director, EPC Commissioner Mohr, EPD Administrator and Air Bureau Chief to discuss specific permit issues.

Visited DuPont plant in Ft. Madison with Air Bureau Chief and staff to discuss specific permit issues and take a plant tour.

Ms. Clasen noted that in the next quarter two additional staff should be added to the Compliance and Permit Assistance Activity Team. She reviewed the team's goals and gave a detailed report of her activities over the past several months.

INFORMATIONAL ONLY

LEGISLATION PACKAGE FOR 1997

Larry Wilson, Director, presented the following item.

The commission should discuss the following, tentative 1997 legislative proposals and identify any additional proposals they feel necessary. Listed below for discussion purposes is the list of

proposals the staff will ask the commission to consider. The commission should finalizing the 1997 legislation package at their November meeting.

AUTHORITY FOR DRINKING WATER SUPPLY SRF. With the adoption of the federal amendments to the Safe Drinking Water Act, a revolving loan program like the existing one for wastewater improvements is now possible. Iowa needs to adopt some changes in Code to allow the state to participate.

AMENDMENTS TO STATE WATER SUPPLY PROGRAM. It may be necessary to propose amendments to current water supply legislation in order for state law to conform to the changes made in the federal act. Changes could include a modification to Section 455B.183 which calls for issuance of construction permits based on engineer certifications. With a water supply revolving loan fund, it is likely that the state will be required to conduct an engineering review of projects seeking assistance.

RETENTION OF WASTEWATER PERMIT FEES. At the current time the DNR may charge fees for wastewater construction permits and NPDES permits, but there is no authority to keep the fees to use to administer the program. Instead, the receipts are directed to the General Fund. An amendment to 455B.105 could be proposed that would allow DNR to retain the fees for use in the program.

AMENDMENTS TO CERTIFICATION OF GROUNDWATER PROFESSIONALS. With the last set of changes to the LUST program, the department was directed to establish a certification program for groundwater professionals to replace the registration requirement. Some provisions that logically applied to registration but not certification need to be deleted if the program is to operate equitably. If the changes are not made, some persons will not be able to be certified, which reduces competition and raises cost with no demonstrated benefit.

Mr. Wilson reviewed the proposed legislative items listed above and asked the Commission for any additional ideas or issues they may want included in the list.

Don Paulin, Deputy Director, discussed the safety of earthen structures at confinement operations and reported that ACCO has met twice recently to discuss this issue. He noted that there are lots of technical changes ACCO is considering that are nonsubstantive, but some of the more substantive issues deal with establishing standards for concrete manure holding structures, increased or regularly scheduled inspections by DNR, and the requirement of monitoring wells at every earthen site.

Mr. Paulin noted that ag drainage wells are a major problem in north central Iowa and there is discussion going on about the relationship between ag drainage wells and livestock confinements. He expanded on manure management issues covering different soil structures, different geologic structures, and the definition of a residence.

INFORMATIONAL ONLY

GENERAL DISCUSSION

Terrance Townsend asked if staff are satisfied with the way the Black Hawk County Board of Supervisors are handling things there.

Mr. Stokes stated that staff feel the county has been proceeding most reasonably and expanded on the issue. He related that the county has been very straightforward and consistent in dealing with the department. Discussion followed regarding the sewage system project and the wetland permits, etc.

Director Wilson distributed copies of an article from the Farm Bureau Spokesman about a farm tour showcasing the farming practices at a 4,000 head hog facility near Walcott. The focus of the tour was to demonstrate environmentally friendly farming practices at a large hog facility.

Commissioner Mohr invited the Commission to tour the farm at a future date. She noted that it is an excellent farm and there is no odor coming from it.

Director Wilson distributed copies of a letter from CMET stating that they are discontinuing business at the end of October.

ADDRESS ITEMS FOR NEXT MEETING

RBCA Rules Overview

Director Wilson discussed plans for an informal get together with the DED Commission next month.

NEXT MEETING DATES

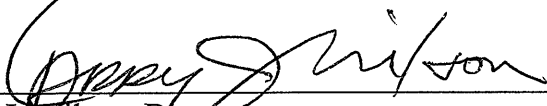
November 18, 1996

December 16, 1996

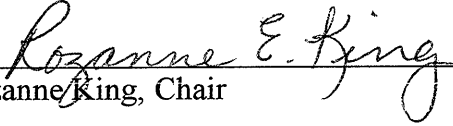
January 20, 1997 (Tuesday)

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson King adjourned the meeting at 3:15 p.m., Monday, October 21, 1996.



Larry J. Wilson, Director



Rozanne King, Chair



Charlotte Mohr, Secretary

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